

July 12, 1997

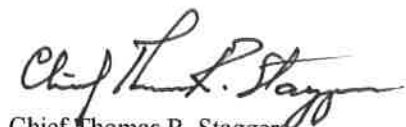
To: Capt. Larry Kopp
T.O. David Cimperman

Fr: Chief Stagers

Ref: Notice of inquiry

Pursuant to the collective bargaining agreement you are hereby notified that an investigation of the pursuit initiated by T.O. David Cimperman on July 11, 1997 that resulted in a cruiser being involved in an accident and an officer injured. Depending upon the results of the investigation and whether the pursuit was within policy guidelines, will determine if disciplinary action of record will be needed.

Each of you will be expected to cooperate fully in the investigation being conducted.

A handwritten signature in cursive script, appearing to read "Chief Thomas R. Stagers".

Chief Thomas R. Stagers
New Philadelphia Police

Cc: Safety Director
F.O.P. Rep. Mike Goodwin
File

July 23, 1997

To: Capt. Larry Kopp
T.O. David Cimperman

Fr: Chief Thomas R. Staggars

Ref: Disciplinary Hearing

The investigation into the pursuit involving Officer Cimperman has been completed. This matter is scheduled for a disciplinary hearing on Tuesday July 29, 1997. The hearing will be held at 1:00 PM in my Office.

The specifications that will be examined are as follows:

- A. Pursuit policy guidelines
- B. Firearms policy guidelines
- C. Standards of Conduct:
 - 01 - Affirmatively promoting a positive public image
 - 06 - Committing unsafe acts or endangering self or others.
 - 17 - Knowing, observing, and obeying all directives, rules, policies, procedures.

Since this hearing could result in disciplinary action of record being initiated, you will be permitted to have your Union Representative present.

A handwritten signature in dark ink, appearing to read "Chief T. R. Staggars", written in a cursive, flowing style.

Chief Thomas R. Staggars
New Philadelphia Police

Cc: Mayor
Safety Director
F.O.P.
File

The following is a time line and transcript of radio communications between Officer Dave Cimperman and the New Philadelphia Police Department and other officers involved in the pursuit of July 12, 1997.

Time	Unit	Radio Traffic
<u>0326.49</u>	13	Units Seven Mile Drive, I think I've got a motorcycle running from me.
<u>0327</u>	13	Call OSP, see if their going to be out there, 913 in pursuit of a motorcycle Northbound on Seven Mile Drive.
	913	Copy
<u>0327.20</u>	05	Where are you at 11.
	11	Just about where you are at.
<u>0327</u>	913	913 to Units OSP has no one available.
	11	Talk to us 13.
	13	Go ahead.
	11	Talk to us.
	13	He's still going about a half a block in front. of me failing to stop, left of center, no traffic so far, we're still heading out Seven Mile Drive.
	05	Close enough for a registration?
	13	Not close enough for it.
<u>0328.17</u>	13	OK hang, hold on we're going on another street, Reeds Run Road, Reeds Run Road, Reeds Run Road, we're on Reeds Run Road.
	05	Left or right?
	13	Made a right, right on Reeds Run Road, right.
	11	I'm going to run out 39 east see if he comes across that way.
	05	Clear.
<u>0328.47</u>	13	He's taking a right hand turn on Johnstown Road, right hand turn on Johnstown Road.
	11	Freeze the lights 913.
<u>0329.19</u>	D30	You take it easy 13 he'll lose it out that road.
	13	Yea I'm taking it easy, he's gaining a little bit on me, I'm watching it.
<u>0329.33</u>	D30	Get out there there's one about a forty five degree turn, a, out there a ways.
	13	He's making that hard right hand turn, looks like I'm coming up on it now.
	05	Keep the lights froze 913.
	11	I'm going out 39 in case he----one of the cross over roads or something like that.
	05	913 you can clear the lights.
	913	OK
	D30	Best bet is he'll go to 212.
	11	Probably.
	913	913 to units OSP advised they have a unit in Somerdale if he heads that way.
	11	Advise them to start heading towards, a, Johnstown Road where it comes out on 212 there.

Time	Unit	Radio Traffic
	913	Clear.
	13	But I've still got him in sight, a, he's not gaining on me I'm catching up a little bit here, I'll give you a better 39 once I get it.
	05	Are you gonna head out 212, eleven?
	11	That would be too far for me to get out there in time to do anything.
	05	OK
	79.5	79-5 to Phila units I'm on Barnhill Road headed that way, 79-30 is also working his way over from 52.
	05	Clear.
<u>0331.40</u>	13	Just passing Brown Hill, passing Brown Hill.
	05	Loses me.
	11	I know where he's at.
	13	I'm glad you do, I should start dropping bread crumbs here.
	05	You do the best you can to get a registration and drop it.
	13	I'm trying.
	11	(unintelligible) Units, should be close when he comes out on 212.
	13	Passing Polen, passing Polen.
	13	Coming up on a stop somewhere, I don't know the streets but we're coming up on a T intersection and he's going right, taking a right hand turn
	11	I think your on 212 now.
<u>0333.39</u>	13	I'm on 212, east 212, east 212.
	05	913- Contact Carroll Co. SO give them what we got maybe they can head that way.
	913	Clear.
	11	OK, keep talking to us Dave.
	13	I keep getting a little close, almost ready to get a 7 but he starts pulling away once we get on a straight line.
	79.5	79-5 to Phila unit- I'm in radio contact with Carroll at this time, they are wanting to know , a, violations.
	13	Left of center, left of center.
	13	Half a dozen stop signs and it looks like he's running without lights right now.
	05	What kind of speed do you have too?
<u>0335.57</u>	13	Miller Hill Road, Miller Hill Road, we're on a side street now, he's slowing down considerably- but he's still not stopping.
	79.5	Phila unit advise if he continues on 212 out of the county there if he turns left on 542.
	11	He's turning onto Miller Hill Road I think.
	79.5	OK.

11 Talk to us 13.

3

Time	Unit	Radio Traffic
<u>0337.05</u>	13	We're on Miller Hill Road, we're getting ready to turn onto another street, I'm within 50 feet of him right now, I just can't get the 7 he's running a dirt road(<u>Dana Rd.</u>), I can't get you a direction right now, get a location as soon as I got it.
	79.5	I think he's getting close to where I am, I'm about a mile away.
	11	Let us know what's going 13, you got an SO unit getting close to you.
<u>0338.19</u>	13	Roswell Road, Roswell Road, we took a left on Roswell Road.
	11	Are you trying to follow him on the map 913?
	913	I know where he's at.
<u>0339.09</u>	13	13 to 913.
	913	Go ahead.
	13	Code 2.
	913	Are you injured?
	13	I don't think so.
	913	Units are you close to him?
	05	Right go ahead and call somebody out for day shift, I'm gonna head that way.
	913	Clear.

Unit	Name	Department
913	Bonnie Sprout	New Philadelphia
13	Dave Cimperman	New Philadelphia
05	Capt. Larry Kopp	New Philadelphia
11	Joseph Skinner	New Philadelphia
D30	Capt. Jeff Kirkbride	Dover
79.5	Sgt. Doug Burrier	Tuscarawas Co. Sheriff

Approximately 15.8 miles.

This report transcribed by Captain Jeff Urban.
New Philadelphia Police Department

PURSUIT INTERNAL INVESTIGATION

BACKGROUND:

On July 11, 1997 at about 0326 hours Officer David Cimperman driving car 723 for the city of New Philadelphia's police department observed a motorcycle on Wabash Ave. The cyclist had his visor up not providing eye protection. The cycle went left of center after the officer turned around and the cyclist looked at him. The cycle then ran the stop sign at Wabash and North Broadway and the officer attempted to get the license number. Officer Cimperman was unable to get the license plate and accelerated to over 60 miles per hour to catch up with the cycle. The cycle was observed to go left of center several times. Officer Cimperman turned his overhead red and blue lights on and went after the cycle. At about Lakeview Officer Cimperman turned his audible siren and the pursuit began. The pursuit lasts thirteen minutes and covers approximately 15.8 miles. Officer Cimperman did an excellent job in providing his location and the route taken by the cyclist.

INVESTIGATION:

In Officer Cimperman's statement he states that speeds exceeded 70 miles per hour and then would slow to 45-50 miles per hour. Officer Cimperman states that he closed to within several car lengths during this time and was still unable to see the license plate. Officer Cimperman states that he heard Dover Captain Kirkbride tell him to be careful of a turn on the road and observed some hard turns in the roadway. Officer Cimperman states that he slowed down when speeds seemed to him to be too fast and the motorcycle slowed also for no apparent reason and allowed the cruiser to get within 100 feet of the cycle then it would accelerate again. This happened several times and Officer Cimperman felt it was like a cat and mouse game for the cyclist. At another point the cycle apparently shut its lights off as Officer Cimperman describes it as a shadow. Near this point Officer Cimperman says he was close to calling the pursuit off and saw the lights come back on near Miller Hill Road. The cycle was less than 100 feet in front of the cruiser and he began the chase again. After turning onto St. Rt. 39 the cycle slowed as it entered Sherrodsville and it appeared to Officer Cimperman that the cycle turned onto a side road and as he approached the area the roadway ended and he applied his brakes but crashed into a footbridge and rolled onto its top. The cycle apparently crossed the bridge and was gone.

Officer Cimperman found himself upside down with the roof of the cruiser crushed down on the back of the seats. He attempted to break his way out with his ASP (metal expanding club) and when he found he could not he used his duty weapon to fire one shot through the window and exited the vehicle. He tried several times to summon assistance using his radio and was able to make contact on North Fire band. As soon as Captain Kopp arrived he advised him of what had occurred and told him about the shot that was fired. He then turned his weapon over to Captain Kopp and was transported to Union Hospital for injuries.

In Captain Kopp's statement he describes he heard the pursuit begin and headed towards St. Rt. 39 in case the vehicles went that way. He stayed near Penn Station listening to the pursuit and attempting to determine where Officer Cimperman was. Captain Kopp had Carroll county contacted. He advised Officer Cimperman to get the registration and terminate the pursuit.

During the pursuit he also requested the speeds of the vehicles but did not get a response.

In Officer Skinner's statement he verifies the location of himself and Captain Kopp. He feels that Officer Cimperman is not getting enough information and requests further information several times. Each time Officer Skinner asks a question it is responded to in an affirmative response of either where he is at or what is occurring at that time.

A statement was obtained by Dispatcher Bonnie Sprout. She puts in her statement that just prior to the accident that Officer Cimperman was still unable to get the registration. This is verified by the recorded radio traffic.

The radio traffic was tape recorded and the tape was transcribed by Captain Urban and listened to by Officer Cimperman who verified its contents. The pursuit route was driven by Captain Urban and then by Captain Urban, Officer Cimperman and Officer Goodwin to verify the route.

The radio traffic is very close to the statements that were taken.

A copy of the accident report is contained here as well as the statements and photographs as these items pertain to the pursuit itself. Other information about the perpetrator is not attached.

POLICY INVOLVED:

The New Philadelphia Police Department has a pursuit policy that covers the actions taken in the vehicle pursuit of July 11, 1997. The policy is clear that any motor vehicle pursuit that exposes officers, members of the public or the suspect to unnecessary risk will be inconsistent with the purpose of this policy and **shall** be terminated. Any pursuit is justified when the need for apprehension outweighs the level of danger created by the pursuit.

There are six criteria that are to be taken into account in any pursuit.

1. What is the possibility of apprehension? In this case the cruiser was unable to catch the perpetrator even when the perpetrator slowed and allowed the cruiser to catch up. Officer Cimperman is very aware of this and calls it Cat and mouse in his statement. Captain Kopp is listening to the radio traffic and should be aware of this as Officer Cimperman states several times that he is close but just can't get the registration. At one point within fifty feet.
2. Does the seriousness of the offense necessitate a pursuit at excessive speeds? Officer Cimperman is aware that the pursuit began with a left of center and stop sign violation. Captain Kopp who is listening to the pursuit hears officer Cimperman states the reason as left of center and stop signs.
3. What type of locality is the pursuit occurring in? In this case we are talking rural roads at 3:30 AM. This appears to be ideal conditions as there appears to have no traffic and little danger of pedestrians. The roadways traveled however do appear to be driveways at times and are very narrow some stone covered.
4. What is the time of day? The pursuit took place at 3:30 AM with clear weather. There was considerable fog in Sherrodsville later in the morning but Officer Cimperman states it had not begun until after the accident.
5. What is the condition of the chase vehicle? In this case the vehicle is a new 1997 Ford Crown Victoria and is in excellent condition.
6. Will the pursuit involve one or more chase vehicles? In this case although there were other vehicles in the area none were involved in the pursuit directly other than Officer Cimperman.

The policy is clear that the department is expected to pursue and arrest violators, within the limits of safety.

All pursuits are dangerous and the unnecessary risk that the policy speaks of is a risk beyond that an average officer would encounter in a pursuit. The policy also states that the need for apprehension is justified only when the need for apprehension clearly outweighs the degree of risk created.

In this case the risk to the cruiser and the risk to the cycle rider is great for a left of center and stop sign violation.

The policy also states that the supervisor shall immediately determine methods of identifying the fleeing vehicle and tactics to stop it and coordinate the units involved.

In addition the supervisor or the primary pursuit officer shall not hesitate to order the pursuit stopped if pursuit conditions warrant such.

POLICY PROBLEMS:

In this pursuit the cyclist clearly looks at the officer prior to the pursuit. The cyclist clearly slows and allows the officer to catch up, not once but several times. This should have told the officer that there was a possible set up in progress and the pursuit terminated. This should have also told the officer involved that he could not catch the cycle unless the cycle wanted to be caught and the pursuit terminated. **The ability to apprehend was not there.** The roads that were driven were passable at times at best and the concern for the cyclist should have been on the mind of Officer Cimperman. He should have also been aware that he had been within fifty feet of the cycle and could not get the registration and this occurred more than once. The only logical end to this pursuit would be that the cycle stopped, which did not appear likely or that it crashed. With the policy mandating the safety of the cyclist as well, the pursuit should have ended. The license plate was not able to be seen. The order was clear to Officer Cimperman from Captain Kopp that he was to get the registration and stop the pursuit. When it became apparent that was not able to be accomplished the pursuit should have been terminated as per his orders.

Pursuits often give the officer involved tunnel vision. They have many things to accomplish from driving, to maintaining radio traffic, to watching for the license plate and stopping to think about terminating the pursuit may be difficult but the policy requires it.

The order given to Officer Cimperman was "You do the best you can to get a registration and drop it." This tells the officer to pursue and get the registration. During the 13 minute pursuit Captain Kopp asks three questions. **Are you close enough for a registration? Left or right?** (Referring to a turn onto Reeds Run Road) **What kind of speed do you have too?** (Which was not answered. From 0331 when the order is given until the accident at 0339 Captain Kopp asks one unanswered question. (What kind of speed do you have too?) The policy is clear that the supervisor has responsibility as well as the officer in a pursuit. The supervisor is to determine methods of identifying the vehicle, tactics to stop it and coordination of all the units involved. With the limited information here that would be extremely difficult. Questions as to what is going on is left to Officer Skinner who merely asks "talk to us Dave".

It should have also been apparent that in order to get the registration the cruiser going at a high rate of speed would have to get closer than 50 feet to get the registration. That would be an

unacceptable risk. Captain Kopp was stationary during most of the pursuit listening. He was not involved to get the tunnel vision that the officer would have and could evaluate the radio traffic and make decisions. The pursuit should have been terminated at the point the officer was lost and did not know where he was(I should start dropping bread crumbs here), when the violations that the vehicle committed are known(left of center) or when the officer states (I'm within 50 feet of him right now and I just can't get the 7).

It is an easy thing to look at a record at a later date and criticize the efforts of officers under the conditions that they were under. In this case however, there are obvious areas where either the officer should have terminated the pursuit or the supervisor should have terminated the pursuit. If we add the common knowledge that Captain Kopp would have had about Officer Cimpermans problems in driving it becomes clearer.

STANDARDS OF CONDUCT:

In Standard number 6 committing unsafe acts or endangering self or others it is clear that the standard applies if a policy or rule is not followed. Also it requires you to behave in a manner in which any typical member could reasonably be expected to perform. There have been many pursuits in New Philadelphia and none have ended with the destruction of the cruiser or with the officer so close and unable to get a registration. This standard also covers failing to drive defensively and unsafe or improper handling of equipment which carries a reasonable risk of endangering persons or property. In this case the cruiser, the cyclist, the footbridge and the officer.

In Standard number 1 affirmatively promoting a positive public image, it appears that the policy was not followed and the controversial conduct is certainly bringing about public criticism and has caused the staff and supervisory personnel to spend a lot of time investigating.

In Standard 17 Knowing and observing the policies of the department it appears that the pursuit policy was not followed which ended in the injury of the officer, the destruction of the cruiser and public criticism.

CONCLUSION:

Pursuits are possibly one of the most dangerous aspects of a policeman function. One can always find problems when we armchair what was done and when. When there are violations of policy they should be tempered with the culpability of the officer. In this case serious errors were made with severe consequences. It does not appear that any intentional act was committed by the officers.

This does not include any discussion in regards to the discharge of Officer Cimpermans weapon to extricate himself from the cruiser after the accident.

This report submitted by Captain Jeff Urban.
New Philadelphia Police Department.

New Philadelphia Police Department

Case Report

Incident: Pursuit

Date and Time: 7/11/97 At 0326 Hrs

Location: Wabash and North Broadway

Suspect: Unk

Officers: Cimperman, Capt. Kopp, Skinner, Capt. Urban

Narrative: On 7/11/97 at Approximately 0326 Hrs, Officer Cimperman was on routine patrol West on Wabash approaching Lakeview. Officer Cimperman observed a Motorcycle, "Crotch Rocket" Style, with a Light Color background, with Lines, or markings in Red or Blue, and possibly Green. The driver, was wearing a light color helmet, with a darker pattern on the rear of the helmet. The driver, had the visor of the helmet up, not providing Eye protection. Officer Cimperman turned around to observe the driver as a result of the No eye protection. The Driver, turned his head back towards Officer Cimperman, as the Cycle approached North Broadway. The Cycle drifted Left of center a short distance, while getting into the Left turn lane. The Cycle continued moving, not stopping for the Stop Sign at North Broadway, and Wabash. The driver did not put his feet down, nor slow down under 20 MPH or faster. Officer Cimperman approached the same intersection to observe the vehicle, and was unable to see a License plate. Officer Cimperman also turned North on North Broadway to observe the vehicle. The cycle began pulling away from this Officer at a high rate of speed. Officer Cimperman accelerated to over 60 MPH, with the Cycle pulling away from him at a rapid pace. Officer Cimperman observed that the vehicle was left of center several times at this point.

At this Point, I advised other units that I may have a Motorcycle running from me on 7 Mile Dr., and to have dispatch contact OSP for assistance if they had a unit in the area. I activated my Overhead lights, and continued attempting to catch up to the vehicle. As I passed Lakeview on 7 Mile Dr. I activated my Siren, and advised that I was in pursuit of the vehicle. At this point I was within 200 Feet of the Cycle, with both Lights, and Siren activated. During this Pursuit, there was no Oncoming traffic on 7 Mile Dr. At this point speeds exceeded 70 MPH during short strait stretches, then back down to 45-50 MPH as road conditions allowed.

I continued attempting to stop the vehicle, observing that he continually drove left of center for dozens of feet at a time. I looked but was unable to see a license plate, even when I closed to within several car lengths. The cycle then turned Right onto Reeds Run Rd. and continued on that road in the same manner he had on 7 Mile Dr. Left of center, exceeding the speed limit. During this time, Other units advised of their direction and were attempting to get into a position to assist in the Pursuit.

The Cycle turned Right onto Johnstown Rd. I advised dispatch, and the other units of the new direction. Dover Police Department unit #30 advised that there was a sharp turn on that road a distance out, and to use caution. I reduced my speed, and observed as the vehicle pulled away from me. At the sharp turn Dover 30 advised of, I again got to within 100 Feet of the suspect vehicle, again attempting to observe a plate, but was unable to see a plate. During this time, I continually advised dispatch of My location, and what streets I passed. Speeds ranged from 45-65 MPH depending on the road conditions.

At this time Capt. Kopp advised to do the best I could to get a Plate number, and drop the chase. I advised "I'm trying". I backed off a short distance due to road conditions, he pulled a short distance ahead. I observed as he Turned right onto a paved road, I advised dispatch, and other units, and again caught up to the vehicle, again attempting to see a plate. After a short distance, I observed a sign indicating that I was on 212 East, and advised of same. He accelerated to a high rate of speed in this area. I felt the speeds were too high, and backed down, allowing the Cycle to pull away. The cycle, then slowed down for no obvious reason, getting within 100 feet of me at this point. I was still unable to see a plate on the Cycle. After a distance of "Cat and Mouse" (Pulling away from me, then slowing down, allowing me to catch up for no apparent reason), He pulled away from me at a high rate of speed, out of my sight, then I observed a shadow some distance ahead of me, that I believe was the Cycle running without lights on, and I advised the units of same.

I slowed, and came to a stop at Miller Hill Road. As I stopped, I picked up the radio to advised the other units that he was not in sight, and I had stopped. As I picked up the Mic, The Cycles lights came on, and he sped off on Miller Hill Rd. At that point, he was less than 100 feet from Me as I was stopped in the roadway.

The Cycle pulled away from his location rapidly, but immediately slowed to 30-40 MPH, and continued at that speed while on Miller Hill Rd. He turned onto Dana Rd. again at slower speeds I still was unable to see a plate on the Cycle. The Cycle turned Left onto Roswell Rd, (SR39), and pulled away from me again, He would get a short distance ahead of me, then slow slightly allowing me to close the distance, then accelerate again.

As the Cycle entered Sherrodsville, he slowed to under 40 MPH. I observed as he turned Right onto what looked like a side street, I followed, and again attempted to rear the plate. As my vehicle came to the bottom of a dip in the "Road", my headlights illuminated ahead of me, and I observed that the "Road" abruptly ended. I hit the brakes, attempting to stop, and slid into a Foot bridge that the Cycle was crossing. As my vehicle crashed through the railing of the foot bridge, It rolled end for end, coming to rest on the roof.

When the vehicle came to rest, I unbuckled my seat belt, located the Mic for the radio, and advised dispatch that I had been involved in a Code 2.

I believed that I was in a creek, and attempted to exit the vehicle quickly. I attempted to open both front doors, with no success, the Drivers side window was smashed, and too small for me to exit, the Roof was smashed down onto the seat backs, preventing me from exiting the rear thru the Cage opening, and the Passenger side window was intact. I removed my ASP, and attempted to break the window. I struck the window 4 times, and was unable to break it. Believing that I was in, or near the Water, and concerned that the vehicle would sink in the water. I listened for a few seconds and heard nothing. I removed my Duty weapon, pointed it at a downward angle, and fired one round through the window, shattering it.

I immediately crawled out, making my way up the embankment. I heard the other units calling me, I attempted to respond but was unable to get out. I returned to my Vehicle and retrieved a portable radio, with Intercity Channel on it, and attempted to contact someone on that channel. The radio was damaged by the crash, and not working. I started changing channels on my issued portable, attempting every channel on the Police Band, with no response. I switched over to the Fire band, and started attempting to contact assistance. On North Fire, I was able to contact Central Communications. I advised them Who I was and requested they contact New Philadelphia Police Units, and advise them of my location. While talking to them, I walked over the bridge, and observed that I was behind a U.S. Post Office, I advised them of my location, and within a few minutes, 7930 arrived at my location, followed by Capt. Kopp a few minutes later.

I advised Capt. Kopp of the location, and status of my vehicle, and what had happened just prior to the Crash. I advised him of the Discharge of my weapon. Capt. Kopp requested EMS respond to my location. I turned my Weapon over to Capt., Kopp, and was treated, and transported by Sherrodsville Fire/Rescue.

While being transported, I overheard one of the Female Rescue Personnel state that she had heard the siren, and motorcycle. She advised that the siren abruptly stopped, and the sound of the Cycle continued for only a few seconds longer, the stopped also very near her residence. I do not know the name of the Squad person, nor her residence.

Respectfully,



David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

On 7-10-97 I was Captain of the midnight shift. At approximately 0325 hrs. Officer Dave Cimperman advised he was going to be in pursuit of a motorcycle out Seven-Mile drive. Officer Joe Skinner and myself were on the west end and proceeded towards Cimperman's location.

Cimperman was giving directions as to the roads he was turning onto during the pursuit. I went out S.R. 39 towards Roswell as I thought they could end up out there. I met Officer Skinner at Penn Station which is just past the Red Onion. We sat there and discussed the pursuit, listening to the road Cimperman was on, trying to determine where it was headed. Deputy Morrison (79-30) joined us. One of the last roads given by Cimperman was Roswell Rd. Deputy Morrison advised that was just outside of Roswell (not far from where we were). Thinking the motorcycle was coming towards 39 I had dispatch contact Carroll County S.O. to advise them of the pursuit in case they went towards their county.

Sometime during the pursuit I asked Cimperman what the speeds were. I don't remember hearing a response. I then advised Cimperman to get a registration and terminate the pursuit.

Cimperman then came over the radio advising he was involved in a code 2. I then had dispatch call an officer from the day shift out to work the road and I went out to the last location Cimperman gave. Deputy Morrison met me there and we both looked for a while but did not find him. We tried several times to contact Cimperman but either got a scratchy response or no response.

Sometime later, 911 dispatch called us and advised our unit was involved in a crash in Sherrodsville somewhere near the post office. I then proceeded to that location and located Officer Cimperman who was with Deputy Morrison.

Cimperman advised he was okay, just shook up a little bit. I asked him where the car was and he pointed towards the rear of the post office. I looked back there and saw a vehicle down an embankment. We went to the vehicle and I discovered the vehicle was on it's roof. I asked him what had happened and he advised he did not see the footbridge until he was right up on it and he could not brake in time. Officer Cimperman then went to one knee, holding his head. It was determined at this time to contact an Emergency Medical Squad.

Officer Cimperman advised me at this time that he had shot out one of the windows because he was trapped in the car. He advised he fired one round through the window. He then gave me his duty weapon. He then began being treated by the E.M.S. workers.

One of the E.M.S. workers advised she heard the siren and the motorcycle coming towards town. Then she did not hear the siren anymore and the motorcycle came down her alley and the engine shut off. She advised one person who has a motorcycle in that area was a Louis Leatherman. A Carroll County Deputy went to that area and discovered a motorcycle behind a garage. He came back and I followed him to that location. The bike was still warm and the license plate was about 1 foot under the back fender making it hard to see.

The deputy knew Leatherman and went to his residence, eventually bringing him to the garage. He was asked if this was his bike. He advised it was. He was asked if he was running from the New Philadelphia Police Department this morning. He advised he did not, that he came back into town with a friend, Johnny Bagozzi. He advised Bagozzi left New Philadelphia first with him following later. He advised he saw Bagozzi up ahead and knew it was his motorcycle because of his taillights. After asking him a few other questions Leatherman was taken home.

After taking care of some other details involving the cruiser, myself and the Carroll County Deputy went to Bagozzi's residence. I woke him up and asked him to come to the cruiser so I could question him. He came willingly.

Bagozzi was advised of his Miranda Rights to which he signed and stated he understood. He was advised he was going to be asked questions about the pursuit. He was asked his activities of the early morning. He advised he was riding the Boulevard in Phila with some friends and stayed out till about 3:00 a.m. He then was tired and decided to go home. He advised that later on one of his friends, Louis Leatherman came up behind him on S.R. 39 and eventually rode beside him. I told him that Leatherman gave pretty much the same story except he advised he stayed behind Bagozzi and never came up beside him. I asked him if Leatherman called him and told him to tell this story. After sitting and looking straight ahead Bagozzi said that it was a lie, he never did see Leatherman on S.R. 39 and only said that because Leatherman asked him to. When asked why his friend would ask him to lie if there was nothing wrong, he said he had no idea.

It was determined to take Bagozzi to the New Philadelphia Police Department for further questioning in reference to this matter.

Captain Jeff Urban then talked with Bagozzi and eventually he told the truth about everything. A statement was taken from Bagozzi and he was taken to his residence.

I advised Captain Urban that a round had been fired by Officer Cimperman to extricate himself from his damaged cruiser.

I also typed a memo to Chief Stagers in regards to the same matter.


Larry J. Kopp

NEW PHILADELPHIA POLICE DEPARTMENT

SUPPLEMENTAL REPORT OF PATROLMAN JOSEPH W. SKINNER

for pursuit of motorcycle by Officer David Cimperman

On the date of July 11, 1997 at 0325 hours I was on routine patrol. At that time I was at Walmart on Bluebell Drive NW. Officer Cimperman advised dispatch that he was following a motorcycle and it would not stop. He then advised he was in pursuit going out "Seven Mile Drive".

Captain Kopp asked me my location, and advised him about the same place he was, as he had just called out to eat at Denny's restaurant. I proceeded to go through town, running with lights and siren, and advised Captain Kopp that I was going out State Route 39 East to Tabor Ridge Road in case the suspect on the motorcycle came back across one of the cross-over roads. I pulled into the parking lot at Penn Station and parked. Captain Kopp pulled in beside me a minute or so later.

I did not think that we were getting enough information from Officer Cimperman so I began to talk to him on the radio to try to get his locations. He began to give us his cross roads that he passed. Captain Kopp advised him to try to get the plate and terminate the pursuit. He also asked him his speed, but did not get one from Officer Cimperman.

I stayed at that location till I heard Officer Cimperman come across on the radio and advise Code 2. I tried to make further contact with him but was unable. Captain Kopp then left to go out to the approximate accident scene. I asked him if he wanted to call someone out and he advised dispatch to go ahead and call someone else out. I went back to the station where myself and the dispatcher Sprout continued to try to make contact with Officer Cimperman but to know avail.

We were contacted by Central Dispatch who advised that they had made contact with Officer Cimperman and gave us his location. They advised that the was stating only bumps and bruises suffered. Central dispatch called back after that several times. One time was to see if we thought that a ambulance should be sent and I advised them yes to go ahead and send one. Further contact was made about a tow truck. I had dispatch advise Central dispatch that we would send a tow truck from New Philadelphia so that there was know problem with were that car would be taken when it was towed.

At approximately 0500 hours I went to the Union Hospital to the emergency room to see Officer Cimperman. The statements he made to me at the hospital were, " I saw the motorcycle slowing down, so I started to slow down so that I could get the plate and terminate the pursuit. I looked at the bike and back to the road and saw the bridge so I locked up the brakes and tried to get stopped, but could not." He also advised me that the cruiser was totaled. His weapons had been taken at the scene so I took his personal belonging and brought them to the station.

This report submitted by Officer Joseph W. Skinner

NEW PHILADELPHIA POLICE DEPARTMENT
DISPATCHER BONNIE SPROUT
STATEMENT REF: OFFICER CIMPERMAN'S PURSUIT OF MOTORCYCLE

On July 11, 1997, at 0325 hrs., Officer Cimperman advised me that he would be in pursuit of a motorcycle northbound on Seven Mile Drive. Officer Cimperman requested I contact OSP and see if they had any units in the area. I contacted OSP and they advised they did not, but had a unit in Somerdale on a call. I advised Officer Cimperman of same. I began to log Officer Cimperman's radio traffic to get track of where he was. At 0327 hrs., JS requested I freeze the lights, which I did and cleared the lights at 0330 hrs.. At 0333 hrs., I advised Carroll Co. S.O. of the pursuit and requested they send a unit that way, and they advised they would be enroute. I continued to log Officer Cimperman's traffic and at 0338 Hrs., Officer Cimperman called Code 2, and just prior to the accident Officer Cimperman had advised he was still unable to get the the registration of the motorcycle. At this point I lost radio contact with officer Cimperman. Officer Skinner came on station and we attempted to locate Officer Cimperman on the county map and I tried radio contact several times, but got no response. Central Dispatch advised us thru 911 Intercom that they had contact with Officer Cimperman and he was in Sherrodsville behind the Post Office, they advised he was not injured seriously, but had some bumps and bruises, wanted to know if we wanted an ambulance sent and a wrecker. Officer Skinner advised to have them go ahead and send an ambulance and we would dispatch a tow truck to bring the cruiser back to New Phila., I advised them to contact Capt. Kopp and advise him that I would be dispatching Rosenberry to tow the cruiser. I then dispatched Rosenberry's at 0411 Hrs.. I spoke with Carroll Co. S.O. a couple of times, they wanted a description of the motorcycle and if Officer Cimperman had gotten a registration. Carroll Co. S.O. advised they had a motorcycle stopped and needed this information. I made contact with Union Hospital and asked them to call when Officer Cimperman arrived. After the hospital called I contacted Carroll Co. S.O. and advised Officer Cimperman advised it was a red and white crotch bike but he was unable to get reg..

This statement submitted by Dispatcher Bonnie Sprout, N.P.P.D.

CARROLL COUNTY SHERIFF'S DEPARTMENT
RALPH R. LUCAS / SHERIFF
43 SECOND STREET SOUTHEAST
CARROLLTON, OHIO 44615 330-627-2141
OFFENSE / INCIDENT REPORT

INCIDENT TYPE: INCIDENT ZONE: 12 DATE: JULY 17, 1997

CASE#: 07-1098-97

VICTIM: NEW PHILADELPHIA POLICE DEPARTMENT

ADDRESS: SECOND ST. NEW PHILADELPHIA, OH TELEPHONE#: _____

DATE OF OCCURRENCE: JULY 11, 1997 TIME: 03:44 A.M.

LOCATION OF INCIDENT: SHERRODSVILLE, VILLAGE PARK

ARTICLES TAKEN OR DAMAGED: _____

NARRATIVE: THE UNDERSIGNED OFFICER WAS ADVISED THAT NEW PHILA POLICE WERE INVOLVED IN A PURSUIT INVOLVING A MOTORCYCLE, THE PURSUIT WAS ON SR. 212 AND CROSSING ATWOOD DAM AREA.

03:40 A.M. TUSC.CO.795 ADVISED THAT MOTORCYCLE WAS BACK IN TUSC. CO. AND THAT THIS UNIT COULD DISREGARD.

03:44 A.M. TUSC.CO.#795 ADVISED THAT NEW PHILA UNIT WAS INVOLVED IN A ACCIDENT.

03:49 A.M. TUSC. CO. #795 ADVISED THAT NEW PHILA.UNIT WAS OUT AT FOOT BRIDGE IN SHERRODSVILLE BY THE BANK.

03:49 A.M. RESIDENT AT 34 SECOND ST. SHERRODSVILLE ON PHONE ADVISING THAT MOTORCYCLE WENT THRU TOWN AND THE CRUISER ALSO. THE CALLER ADVISED THAT SHE THEY DID NOT HAVE VISUAL WITH EITHER VEHICLES.

03:55 A.M. TUSC. CO.#795 ADVISED THAT THEY LOCATED NEW PHILA.OFFICER BY FOOT BRIDGE.

03:57 A.M. TUSC.CO.#795 ADVISED THAT NEW PHILA OFFICER IS INJURED

03:58 A.M. TUSC.CO.911 DISPATCHED SHERRODSVILLE EMS.

04:09 A.M. TUSC. CO. SHERIFFS DEPUTYS LOCATED A MOTORCYCLE AT LINN AND SPRING ST. BEHIND A BUILDING.

04:13 A.M. THIS UNIT AND SGT. MEESE TUSC. CO. UNIT WENT TO SPRING AND LINN STREET TO LOCATION OF MOTORCYCLE, MOTORCYCLE WAS STILL WARM AND THE LICENSE PLATE WAS NO VISABLE, THIS OFFICER HAD TO BEND THE LICENSE PLATE BRACKET DOWN IN ORDER TO READ THE PLATE NUMBER, OHIO MOTORCYCLE HQZ-72. THE LICENSE PLATE IS LOCATED BETWEEN THE REAR FENDER AND REAR TIRE AREA.

04:23 AM. THIS UNIT ARRIVED AT THE LOUIE LEATHERMAN RESIDENCE AT SHERROD AND MILL ST.

04:30 PICKED LOUIE LEATHERMAN UP AT HIS RESIDENCE AND WENT BACK TO THE LOCATION THE MOTORCYCLE WAS LOCATED, LOUIE WAS READ HIS MIRANDA RIGHTS AND ADVISED THAT HE WAS WILLING TO SPEAK WITH OFFICERS.

SUSPECT: _____ DOB: _____ SOC: _____

ADDRESS: _____ PHONE#: _____

DEPUTY: _____ UNIT#: _____

SUPPLEMENT REPORT

CASE#: 07-1098-97

INCIDENT: INCIDENT

DATE: JULY 17, 1997

OFFICER: GRAHAM

PAGE#:

NARRATIVE:

LOUIE LEATHERMAN ADVISED THAT HE PARKED HIS MOTORCYCLE AT THE LOCATION OFF SPRING AND LINN ST. BECAUSED HE DID NOT GET HOME IN TIME TO PLACE THE MOTORCYCLE BACK IN HIS MOTHERS GARAGE AND THAT IT WAS LOCKED, LEATHERMAN ALSO ADVISED THAT HE HAD KNOWLEDGE OF THE ACCIDENT PRIOR TO THIS OFFICER ARRIVAL AT HIS RESIDENCE BECAUSE HIS SISTER LORI BUCKEY HAD CALLED TO SEE IF HE HAD BEEN INVOLVED BECAUSE HER HUSBAND MIKE HAD BEEN INVOLVED IN AN ACCIDENT LAST YEAR ON A MOTORCYCLE THAT RESULTED IN HIS DEATH!

LEATHERMAN ADVISED THAT HE HAD BEEN IN DOVER/PHILA AREA AND HAD ARRIVED HOME APPROX: AROUND 3:30 AM. - 03:45 AM. AND THAT HE HAD BEEN RIDING WITH JOHN BAGOZZI, HE ADVISED THAT JOHN HAD LEFT A FEW MINUTES PRIOR TO HIM BUT THAT HE HAD CAUGHT UP WITH JOHN AND HAD VISUAL SIGHT OF HIM BUT NEVER HAD CONTACT WITH HIM OR SPOKE TO HIM AFTER BEING IN DOVER/PHILA AREA.

SIGNED: _____

OHIO TRAFFIC CRASH REPORT

OH-1 (Rev. 1-82)

LOCAL REPORT NO. 97-07-285		REPORTING AGENCY Carrill Co. S.O. 02 ddd		N.C.I.C.		ODHS USE ONLY - DO NOT MARK ABOVE					
REPORT TAKEN ☐ AT STATION ☒ AT SCENE		NO. OF VEH. PEDESTRIANS INVOLVED 1		CRASH SEVERITY (CHECK MOST SEVERE) ☐ FATAL ☒ INJURY ☐ PROPERTY DAMAGE ONLY		COMBINED VEH/PROP LOSS ☒ OVER \$150 ☐ UNDER \$150		HIT SKIP ☐ SOLVED ☐ UNSOLVED			
IN COUNTY OF Carrill		IN ☐ CITY ☒ VILLAGE ☐ TWP OF Sherradsville		DATE OF CRASH 07/11/97		DAY FRIDAY		TIME 0338			
CRASH OCCURRED ON Sherradsville Village PARK.		WITHIN THE INTERSECTION OF SR. 39 Roswell RD.		MILES: 200 FEET		E		OF			
LOC. 1		LOC. 2		LOC. 3		LOC. 4		LOC. 5			
UNIT NO. 1		NO. OF OCCUPANTS 1		OPERATING ☒ PARKED ☐ DRIVERLESS ☐ HIT & RUN ☐ NON-CONTACT ☐		INSURANCE CO. OR AGENT					
DRIVER/PEDESTRIAN NAME (LAST, FIRST, MI) CLARKEMAN DAVID F JR.		ADDRESS (NO., STREET, CITY, STATE, ZIP CODE) 1129 12th ST. NW. New Phila. OH. 44663		PHONE NO. 330-343-4488		BIRTHDATE 06/29/61		AGE 33			
SEX M		SOCIAL SECURITY NO. 294-76-1998		STATE OH		DRIVER'S LICENSE NO. RN62136B		OCCUPATION POLICE OFFICER			
OWNER (IF SAME AS DRIVER, WRITE SAME) City New Philadelphia		ADDRESS 122 2nd ST. SE. New Phila.		PHONE 330-343-4488							
VEH YR 97		MAKE FORD		MODEL CROWN VIC		COLOR WHITE		STYLE 4.5			
STATE OH		LICENSE PLATE NO. CAR# 723 ROSSBROOKS		TOWING SERVICE		VEH/PED DIR FROM NW TO SE					
CIRCLE DAMAGE AREAS 1 2 3 4 5 6 7 8 9 10 11 12		DAMAGE SEVERITY ☐ NON-FUNCTIONAL ☐ FUNCTIONAL ☒ DISABLING		DAMAGE SCALE ☐ NONE ☐ MODERATE ☒ LIGHT ☒ HEAVY		VEHICLE DISPOSITION ☐ DRIVEN AWAY ☐ REMAINED AT SCENE ☒ TOWED		FIRE ☒ NO FIRE ☐ FIRE DUE TO CRASH ☐ OTHER FIRE			
UNIT NO. 1		NO. OF OCCUPANTS 1		OPERATING ☒ PARKED ☐ DRIVERLESS ☐ HIT & RUN ☐ NON-CONTACT ☐		INSURANCE CO. OR AGENT					
DRIVER/PEDESTRIAN NAME (LAST, FIRST, MI)		ADDRESS (NO., STREET, CITY, STATE, ZIP CODE)		PHONE NO.		BIRTHDATE		AGE			
SEX		SOCIAL SECURITY NO.		STATE		DRIVER'S LICENSE NO.		OCCUPATION			
OWNER (IF SAME AS DRIVER, WRITE SAME)		ADDRESS		PHONE							
VEH YR 97		MAKE FORD		MODEL CROWN VIC		COLOR WHITE		STYLE 4.5			
STATE OH		LICENSE PLATE NO. CAR# 723 ROSSBROOKS		TOWING SERVICE		VEH/PED DIR FROM NW TO SE					
CIRCLE DAMAGE AREAS 1 2 3 4 5 6 7 8 9 10 11 12		DAMAGE SEVERITY ☐ NON-FUNCTIONAL ☐ FUNCTIONAL ☒ DISABLING		DAMAGE SCALE ☐ NONE ☐ MODERATE ☒ LIGHT ☒ HEAVY		VEHICLE DISPOSITION ☐ DRIVEN AWAY ☐ REMAINED AT SCENE ☒ TOWED		FIRE ☒ NO FIRE ☐ FIRE DUE TO CRASH ☐ OTHER FIRE			
FROM UNIT NO.		NAME (LAST, FIRST, MI)		BIRTHDATE		AGE		SEX			
ADDRESS		PHONE		POSITION		INJURIES					
FROM UNIT NO.		NAME (LAST, FIRST, MI)		BIRTHDATE		AGE		SEX			
ADDRESS		PHONE		POSITION		INJURIES					
FROM UNIT NO.		NAME (LAST, FIRST, MI)		BIRTHDATE		AGE		SEX			
ADDRESS		PHONE		POSITION		INJURIES					
FROM UNIT NO.		NAME (LAST, FIRST, MI)		BIRTHDATE		AGE		SEX			
ADDRESS		PHONE		POSITION		INJURIES					
INJURED TAKEN TO UNION HOSPITAL		BY SHERRADSVILLE EMS.		A B C D E F		A B C D E F					
INJURED TAKEN TO		BY		A B C D E F		A B C D E F					
OFFENSE CHARGED AND DESCRIPTION O.R.C. CITY ORD.		OFFENSE CHARGED AND DESCRIPTION O.R.C. CITY ORD.		A B C D E F		A B C D E F					
RECEIVED CALL 0349		DISPATCHED 0349		ARRIVED 0358		CLEARED 0514		OTHER TIME			
TOTAL MINUTES 85		DATE REPORT FILED 07/11/97		PHOTOS ☒ YES ☐ NO		OFFICER'S NAME Calvin Gration		BADGE NO. 7			
CHECKED BY NW		1 NOT EJECTED 2 PARTIAL 3 TOTAL 4 TRAPPED INSIDE VEHICLE		A B C D E F		A B C D E F					
1 NO DRUGS DETECTED 2 USING PRESCRIBED DRUG 3 USING ILLEGAL DRUG		A B C D E F		A B C D E F		A B C D E F					

DRIVER-PEDESTRIAN-VEHICLE SECTION

OCCUPANT SECTION

POLICE ACTION

OHIO TRAFFIC ACCIDENT - DIAGRAM/NARRATIVE CONTINUATION

OH-2 (Rev. 1/82)

LOCAL REPORT NUMBER 97-07-285	REPORTING AGENCY Carroll County S.O.	DATE OF ACCIDENT M 07 10 11 Y 97
IN COUNTY OF Carroll	ACCIDENT LOCATION Sherradesville Village Park	

SR. 39
ROSWELL RD.

PARK RD. WEST

PARK RD. EAST

Conotton

Conotton

PARK RD. WEST

OFFICERS SIGNATURE

SGT. Calvin A. Conotton

BADGE NO.

7

NEW PHILADELPHIA POLICE DEPARTMENT

APPLICATION FOR VACATION, PERSONAL DAYS, BIRTHDAY OR SICK LEAVE

NAME: D. Campbell DATE: 7/11/97

ADDRESS: _____ TITLE: _____

I HEREBY APPLY FOR 3 WORK HOURS/DAYS OF: VACATION SICK LEAVE
BIRTHDAY PERSONAL TIME

FROM: Dec 7-11, 19 97 ^{THRU} 7/13, 19 97

SIGNATURE OF EMPLOYEE: [Signature]

BIRTHDAY SECTION:

I HEREBY STATE THAT _____, 19____ IS THE ANNIVERSARY OF MY
BIRTHDAY AND HAVE / HAVE NOT REQUESTED THIS AS A DAY OF LEAVE.

VACATION:

ANNIVERSARY DATE: _____
VACATION CREDIT: _____
AMOUNT REQUESTED: _____
BALANCE REMAINING: _____

PERSONAL TIME:

PERSONAL CREDIT: _____
AMOUNT REQUESTED: _____
BALANCE REMAINING: _____

PLEASE FORWARD THIS REQUEST TO
THE SCHEDULING OFFICER.

DENIED: _____

APPROVED: [Signature]
7/18/97

SICK LEAVE:

AMOUNT REQUESTED: 3.0075
REASON/ILLNESS: Back
HK 40 Int. Ch.

Chief Thomas P. Stagers, N.P.F.D.

4. When it can be determined that the alarm drop was accidental or that a holdup occurred, but that the suspects are gone, then our dispatcher will instruct the officers to enter the bank parking lot.
5. A Bank employee will then exit the bank to contact the officers (Employees will carry a 12" square white card to confirm that everything is alright).

Optional - Bank discretion - White card to indicate no problem.

Red card to indicate something is wrong.

PURSUIT POLICY

Pursuit: Involves one or more New Philadelphia Police units attempting to apprehend a suspect in a motor vehicle when the operator of said motor vehicle is attempting to avoid apprehension by means of high speed driving and or evasive maneuvers.

Purpose: The primary purpose of this policy is to establish guidelines for use by New Philadelphia Police Officers in the pursuit and apprehension of fleeing suspects.

The City of New Philadelphia and it's Police Department's primary responsibility is the protection of life and property. Any motor vehicle pursuit that exposes officers, members of the public, or the suspect, to unnecessary risk; that pursuit will be inconsistent with the purpose of this policy and shall be terminated.

Any pursuit is justified only when the need for apprehension outweighs the level of danger created by the pursuit.

The following criteria need to be taken into consideration before engaging in a pursuit.

1. What is the possibility of apprehending the subject fleeing?

3. Does the seriousness of the offense necessitate a pursuit at excessive speeds?
3. What type of locality is the pursuit occurring in? Is it in a residential street, business district, state highway, or county road?
4. What is the time of day, what type of traffic and weather conditions are in effect at the time of the pursuit?
5. What is the condition of the chase vehicle?
6. Will the pursuit involve one or more chase vehicles?

Members of the New Philadelphia Police Department are expected to pursue and arrest violators of laws within the limits of safety.

The following State Laws must be adhered to while engaged in a pursuit.

1. 45411.03 Emergency or public safety vehicles to proceed cautiously through any red or stop signal.
2. 4511.24 Emergency vehicles excepted from speed limitations.
3. 4511.45 Right-of-Way of Public Safety vehicles.
4. 4513.21 Sirens, horns, and warning devices.

These laws place the following requirements upon the operators of public safety vehicles:

- A. The operator must drive with due regard for the safety of all persons using the streets and highways.
- B. A public safety vehicle only gains the right-of-way when both the pursuit lights and siren are used together.

The following shall be deemed the regulations of the New Philadelphia Police Department with regards to emergency responses and pursuits.

1. The number of vehicles engaged in the pursuit shall be determined by the shift supervisor or senior officer.
2. Only marked police vehicles will be used in an emergency response or pursuit.

3. The officer initiating a pursuit shall immediately notify the dispatcher in plain language of the following:
 - A. Location
 - B. Direction of travel
 - C. Description of the vehicle and occupants
 - D. Reason for the pursuit
 - E. Intentions of the pursuing officer
4. The dispatcher shall immediately notify all nearby departments of a pursuit in progress as well as the shift supervisor.
5. The supervisor shall immediately determine methods of identifying the fleeing vehicle, and the tactics to stop the violator, plus coordination of all units involved in the pursuit.
6. The supervisor or the primary pursuit officer shall not hesitate to order the pursuit stopped if pursuit conditions warrant such.

Tactics and Use of Force to Stop Violators

Any pursuit at high speed can be considered extremely dangerous, and pursuit is only justified when the need for apprehension clearly outweighs the degree of risk created by a pursuit.

1. Can the suspect be identified and apprehended at a later time?
2. Use a spotlight to illuminate rear window and interior of the vehicle. This will help to get the attention of the operator and to identify the occupants.
3. Use of roadblocks to stop violators.
 - A. A moving roadblock will not be utilized by members of this department to stop a violator.
 - B. Stationary roadblocks may be utilized, but only with the authorization of the Supervisor in Charge. All stationary roadblocks shall be designed in such a way as to leave an area or open path through which a vehicle may proceed slowly.

RAMMING

Ramming of the fleeing vehicle by police units or forcing the fleeing vehicle into parked motor vehicles, or other obstacles shall not be considered except in such circumstances where in the judgement of the supervisor such actions are deemed necessary to protect the public.

USE OF FIREARMS

Department policy in the use of deadly force shall be strictly adhered to. No officer shall fire a weapon from or at a moving vehicle except as the ultimate measure of self-defense or for the defense of another, when the suspect is using deadly force by means other than the vehicle itself.

WHAT DEPARTMENT IS IN CHARGE WHEN MULTIPLE DEPARTMENTS ARE INVOLVED

The department originating the pursuit should notify other nearby officers of the reason for the pursuit, the route of the pursuit, speed, etc. The originating department should remain in charge unless entering a substantially different jurisdiction. In these instances, the pursuit should be turned over to the department with authority and which is in position to follow through with the pursuit.

The department originating the pursuit should remain in control and be responsible for the outcome until turned over to another department. Other departments should not join the pursuit or take action without a request from the originating agency, and should maintain a back-up position.

Pursuits originating in the City of New Philadelphia and entering other jurisdictions shall be governed by the above.

Any New Philadelphia Police Unit engaged in pursuit outside of his jurisdiction shall cease pursuit upon orders from the agency having jurisdiction, or from his shift supervisor.

MISCELLANEOUS PROVISIONS:

1. Only marked police vehicles shall engage in pursuits. Un-marked police vehicles shall be relegated to a back-up status.
2. New Philadelphia Police Officers will not engage in pursuits while Civilian passengers are in their police vehicles. This includes those passengers that have signed waivers of liability to ride as observers.
3. Pursuits that involve going the wrong way on one-way streets are strongly discouraged and will be ordered ceased except in those instances where, in the judgement of the pursuing officer or supervisor, such actions are necessary to protect the safety of the public.
4. A synopsis of the pursuit, including the reasons for use of force shall be forwarded to the Chief of Police by the pursuing officers at the end of their shift of work.

OFF DUTY DETAIL POLICY

1. The Chief of Police will designate a member of the police department to arrange off duty details and keep records of those details and post those details in such a manner that each officer has the opportunity to sign up for work.
2. The payment for those details and the manner in which they are allocated will be by majority vote of the members of the police department.
3. All officers working an extra detail will be in uniform. The Chief of Police or his designate in his absence will decide whether any change in the uniform of the day will be allowed.
4. The Officer in Charge at any off duty detail will be the officer of highest rank or the officer with the most seniority.

06 COMMITTING UNSAFE ACTS OR ENDANGERING SELF OR OTHERS

Members shall not unlawfully commit acts or behave in such a manner that has the potential for endangering or injuring themselves, property or another person.

Business necessity for this standard

Safe behavior in public service work is paramount because of the level of public trust and the nature of the equipment involved—firearms, motor vehicles, impact tools and chemicals. Unsafe behavior and unsafe use and handling of equipment significantly increases the risk of injuries to citizens and personnel, plus it increases the risk of potential liability for this organization.

Enforcement guidelines

- termination if serious injury or extensive property damage occurs
- progressive discipline up to and including termination for other conditions

Examples of non-violations

Life-threatening situations where the probable consequences or actual consequences (as judged by a reasonable and prudent member) of committing the unsafe act are less dangerous than the actual or probable consequences of failing to perform, given the nature of the emergency situation.

Equipment malfunctions when such malfunction is beyond the control of the member.

An act where risks occur because the member has not received training comparable to that of others.

Assigning a member to a task or duty for which he or she has received reasonable training or assigning equipment to use that is considered adequate under a reasonable standards rule is not a violation of this standard.

STANDARD 06—EXAMPLES OF VIOLATIONS

All behaviors regulated or prohibited by specific guidelines, policies, procedures and practices.

Failure to behave in ways in which any typical member could reasonably be expected to perform regardless of specific official training orientation or employment status.

Horseplay—using equipment improperly or performing pranks that create the possibility of injury.

Allowing untrained or inexperienced persons, members or civilians to use regulated equipment or weapons that injure or have the reasonable expectation of injuring another person.

Handling, aiming, firing, unloading or loading a weapon contrary to established policies or procedures. This includes accidental discharges of firearms.

Leaving a weapon unsecured or improperly stored. ✓

Failing to drive defensively, resulting in a chargeable motor vehicle accident or nearly chargeable motor vehicle accident.

The unauthorized and unnecessary divulging of information, communications or correspondence that identifies or suggests the identification of an informant, undercover member or any other investigative official of this organization.

Failing to report damaged or dysfunctional equipment that has the probability of endangering self or others.

Unsafe and/or improper handling of equipment that carries a reasonable risk of endangering persons or property.

Being on patrol, dispatch or backup and failing to keep aware of events and circumstances ongoing during the shift that have a reasonable expectation of causing a safety concern for others or self.

Being assigned to assist as a backup and habitually failing to be able to provide support or assistance is substantial evidence that the member is violating this standard.

01 AFFIRMATIVELY PROMOTING A POSITIVE PUBLIC IMAGE

Members shall conduct themselves on duty and off duty in a way that does not damage or have the probable expectations (in the mind of a reasonable and prudent member) of damaging the organization's public image, integrity or reputation or bringing it into discredit or disrepute.

Business necessity for this standard

Members shall accept full responsibility for their behaviors and the results of their behaviors on duty as well as off duty. Behavior that may not be considered wrong in private employment could be wrong in the public sector because of the nature of the public service mission—to create a feeling of safety and security.

Historically, citizens are quick to criticize and require that public servants be right as well as look right in their conduct and behavior. Management recognizes its responsibility to balance rules designed to promote public trust while at the same time to avoid unnecessary infringements on the member's rights to privacy. Likewise, members who wish to hold the honor of public office and enjoy the privileges of public trust share an affirmative responsibility to conduct themselves (on duty as well as off duty) in a manner that does not bring public image or trust into question. The member's right to privacy does not create an obligation on management to finance those rights at the expense of effective, efficient or safe operations of this public service organization.

Enforcement guidelines—These and subsequent guidelines are for your information only and are not controlling. See complete policy in Chapter 5.

- termination if public image is severely damaged
- progressive discipline up to and including termination for other situations

Examples of non-violations

Non-criminal, off-duty conduct or behavior that has no impact or probable impact on the effectiveness or efficiency of this organization. Conduct off duty outside the community and its adjacent borders when the member is not identified with this organization may be an exception if the conduct is not discovered by the general public or does not become a matter of public record.

On-duty conduct or work behavior that is questioned by a citizen and—through a formal administrative response—honestly explained and justified by the business necessity of the situation existing at the time.

STANDARD 01—EXAMPLES OF VIOLATIONS

Controversial conduct or behavior displayed on or off duty that brings about public criticism and causes administrative staff or supervisory personnel to spend an atypical amount of time and management cost to investigate or respond to the criticism.

The failure to present proper grooming, uniform or dress appearance while on duty or representing this organization.

Failing to speak courteously to members of the public or treat them courteously; for example, members failing to give badge numbers when requested to do so, not letting violators ask questions about points of law or about the nature of the offense they are charged with by cutting them off before they have demonstrated their intent to be uncooperative.

Failing to keep equipment exposed to public view clean and in proper order.

Loud and crude language in front of the public when such language has a direct and detrimental impact on public image.

Consistent complaints from the member's neighbors concerning the member's behavior as it relates to violations of law.

Failing to identify self, badge, and identification card and number to any member of the public. (NOTE: This does not include failing to identify self if working undercover or when the member's safety would be endangered.)

Smoking or chewing while engaging with members of the general public, particularly while conducting interviews and investigations or when directing traffic.

Failing to keep financial debts and obligations from becoming a matter of management concern.

Members who take criticisms to the general public—without using the organization's internal grievance process and being unable to provide substantial evidence that such actions were in the public's best interest—when such actions cause the organization to suffer the public's loss of faith.

Causing a scene in a restaurant when half off on meals is not given.
(NOTE: This may also be a conflict of interest, see STANDARD 07.)

Failing or refusing to wear a seat belt properly.

Failing to give the dispatcher a location, particularly on a traffic stop or encounter with a suspicious person, when practicable and prudent to do so.

Failing to provide known information or withholding information that results in another member's being injured or subject to an unnecessary safety risk.

Leaving security doors open or ajar, defeating the locking mechanism.

Purposefully making self unavailable for service or taking self out of service. This includes not answering a radio when called, unplugging the telephone to avoid taking a call, logging out of service when substantial evidence indicates that another member or person needs assistance.

Continuing a chase for a minor violation once a license number and driver identification is known and substantial evidence exists to indicate the person can be apprehended later on with less public endangerment.

17 KNOWING, OBSERVING AND OBEYING ALL DIRECTIVES, RULES, POLICIES, PROCEDURES

Members shall make an affirmative, consistent effort to observe and comply with the directives, rules, policies, procedures, practices and traditions established for the effective, efficient and safe operations of this organization. This standard applies to policies, procedures and practices that are written as well as those established by past patterns or practices.

Affirmative effort as the term is used here means to self-initiate acceptable ways to comply. In other words, look for ways to comply with the standard and do not look for the exceptions to the standard.

Business necessity for this standard

Policies, procedures and practices are management's tools to achieve overall official efficiency and effectiveness in day-to-day operations and decision making. They are designed to communicate management's intent and to help management focus its resources.

Enforcement guidelines

- termination if the results of such deviations cause injury to another or severe damage to property
- progressive discipline up to and including termination for all other conditions

Examples of non-violations

Management allows for defensible deviations from policies, procedures and practices if the member writes justifiable reasons for such deviations. This means that the member provides factual information and data that show such deviations were truly necessary and justified by the uniqueness of the event and the necessity for increased effectiveness, efficiency or safe operating procedures. In all cases, it will be the member's responsibility to provide management with written and satisfactory documentation to support justification for such deviations and to establish that the deviations made an overall greater contribution to the organization's mission than did current policies, procedures, practices or directives.

Members who by virtue of their inexperience could not reasonably be expected to know the directives associated with the performance. This includes probationary members or those in totally new job assignments.

STANDARD 17—EXAMPLES OF VIOLATIONS

NOTE: No attempt is made here to list all policies, procedures and practices with which a member is expected to comply. The member is directed to refer to appropriate files for this information.

Failing to care for or protect the rights of all prisoners, whether such prisoners are in the member's custody or when it is known or should be known that such rights are not being observed by others.

Establishing a pattern of deviation from directives that is significantly different from the compliance rates of other members.

Habitually challenging policies, procedures or practices without providing objective and documented facts (in written form) to support justification for such deviation.

Failing to self-initiate knowledge and understanding of information in operational manuals, files and agency directives. Being the member who consistently gives the excuse, "I did not know it or see it," when no such problem exists for other members.

The following is a time line and transcript of radio communications between Officer Dave Cimperman and the New Philadelphia Police Department and other officers involved in the pursuit of July 12, 1997.

Time	Unit	Radio Traffic
<u>0326.49</u>	13	Units Seven Mile Drive, I think I've got a motorcycle running from me.
<u>0327</u>	13	Call OSP, see if their going to be out there, 913 in pursuit of a motorcycle Northbound on Seven Mile Drive.
	913	Copy
<u>0327.20</u>	05	Where are you at 11.
	11	Just about where you are at.
<u>0327</u>	913	OSP has no one available.
	11	Talk to us 13.
	13	Go ahead.
	11	Talk to us.
	13	He's still going about a half a block in front. of me failing to stop, left of center, no traffic so far, we're still heading out Seven Mile Drive.
	05	Close enough for a registration?
	13	Not close enough for it.
<u>0328.17</u>	13	OK hang, hold on we're going on another street, Reeds Run Road, Reeds Run Road, Reeds Run Road, we're on Reeds Run Road.
	05	Left or right?
	13	Made a right, right on Reeds Run Road, right.
	11	I'm going to run out 39 east see if he comes across that way.
	05	Clear.
<u>0328.47</u>	13	He's taking a right hand turn on Johnstown Road, right hand turn on Johnstown Road.
	11	Freeze the lights 913.
<u>0329.19</u>	D30	You take it easy 13 he'll lose it out that road.
	13	Yea I'm taking it easy, he's gaining a little bit on me, I'm watching it.
<u>0329.33</u>	D30	Get out there there's one about forty five degree turn, a, out there a ways.
	13	He's making that hard right hand turn, looks like I'm coming up on it now.
	05	Keep the lights froze 913.
	11	I'm going out 39 in case he----one of the cross over roads or something like that.
	05	913 you can clear the lights.
	913	OK
	D30	Best bet is he'll go to 212.
	11	Probably.
	913	913 to units OSP advised they have a unit in Somerdale if he heads that way.
	11	Advise them to start heading towards, a, Johnstown Road where it comes out on 212 there.

Time	Unit	Radio Traffic
	913	Clear.
	13	But I've still got him in sight, a, he's not gaining on me I'm catching up a little bit here, I'll give you a better 39 once I get it.
	05	Are you gonna head out 212, eleven?
	11	That would be too far for me to get out there in time to do anything.
	05	OK
	79.5	79-5 to Phila units I'm on Barnhill Road headed that way, 79-30 is also working his way over from 52.
	05	Clear.
<u>0331.40</u>	13	Just passing Brown Hill, passing Brown Hill.
	05	Loses me.
	11	I know where he's at.
	13	I'm glad you do, I should start dropping bread crumbs here.
	05	You do the best you can to get a registration and drop it.
	13	I'm trying.
	11	(unintelligible) Units, should be close when he comes out on 212.
	13	Passing Poland, passing Poland.
	13	Coming up on a stop somewhere, I don't know the streets but we're coming up on a T intersection and he's going right, taking a right hand turn
	11	I think your on 212 now.
<u>0333.39</u>	13	I'm on 212, east 212, east 212.
	05	913- Contact Carroll Co. SO give them what we got maybe they can head that way.
	913	Clear.
	11	OK, keep talking to us Dave.
	13	I keep getting a little close, almost ready to get a 7 but he starts pulling away once we get on a straight line.
	79.5	79-5 to Phila unit- I'm in radio contact with Carroll at this time, they are wanting to know , a, violations.
	13	Left of center, left of center.
	13	Half a dozen stop signs and it looks like he's running without lights right now.
	05	What kind of speed do you have too?
<u>0335.57</u>	13	Miller Hill Road, Miller Hill Road, we're on a side street now, he's slowing down considerably- but he's still not stopping.
	79.5	Phila unit advise if he continues on 212 out of the county there if he turns left on 542.
	11	He's turning onto Miller Hill Road I think.
	79.5	OK.
	11	Talk to us 13.

Time	Unit	Radio Traffic
<u>0337.05</u>	13	We're on Miller Hill Road, we're getting ready to turn onto another street, I'm within 50 feet of him right now, I just can't get the 7 he's running a dirt road(<u>Dana Rd.</u>), I can't get you a direction right now, get a location as soon as I got it.
	79.5	I think he's getting close to where I am, I'm about a mile away.
	11	Let us know what's going 13, you got an SO unit getting close to you.
<u>0338.19</u>	13	Roswell Road, Roswell Road, we took a left on Roswell Road.
	11	Are you trying to follow him on the map 913?
	913	I know where he's at.
<u>0339.09</u>	13	13 to 913.
	913	Go ahead.
	13	Code 2.
	913	Are you injured?
	13	I don't think so.
	913	Units are you close to him?
	05	Right go ahead and call somebody out for day shift, I'm gonna head that way.
	913	Clear.

Unit	Name	Department
913	Bonnie Sprout	New Philadelphia
13	Dave Cimperman	New Philadelphia
05	Capt. Larry Kopp	New Philadelphia
11	Joseph Skinner	New Philadelphia
D30	Capt. Jeff Kirkbride	Dover
79.5	Sgt. Doug Burrier	Tuscarawas Co. Sheriff

Approximately 15.8 miles.

This report transcribed by Captain Jeff Urban.
New Philadelphia Police Department

On 7-10-97 I was Captain of the midnight shift. At approximately 0325 hrs. Officer Dave Cimperman advised he was going to be in pursuit of a motorcycle out Seven-Mile drive. Officer Joe Skinner and myself were on the west end and proceeded towards Cimperman's location.

Cimperman was giving directions as to the roads he was turning onto during the pursuit. I went out S.R. 39 towards Roswell as I thought they could end up out there. I met Officer Skinner at Penn Station which is just past the Red Onion. We sat there and discussed the pursuit, listening to the road Cimperman was on, trying to determine where it was headed. Deputy Morrison (79-30) joined us. One of the last roads given by Cimperman was Roswell Rd. Deputy Morrison advised that was just outside of Roswell (not far from where we were). Thinking the motorcycle was coming towards 39 I had dispatch contact Carroll County S.O. to advise them of the pursuit in case they went towards their county.

Sometime during the pursuit I asked Cimperman what the speeds were. I don't remember hearing a response. I then advised Cimperman to get a registration and terminate the pursuit.

Cimperman then came over the radio advising he was involved in a code 2. I then had dispatch call an officer from the day shift out to work the road and I went out to the last location Cimperman gave. Deputy Morrison met me there and we both looked for a while but did not find him. We tried several times to contact Cimperman but either got a scratchy response or no response.

Sometime later, 911 dispatch called us and advised our unit was involved in a crash in Sherrodsville somewhere near the post office. I then proceeded to that location and located Officer Cimperman who was with Deputy Morrison.

Cimperman advised he was okay, just shook up a little bit. I asked him where the car was and he pointed towards the rear of the post office. I looked back there and saw a vehicle down an embankment. We went to the vehicle and I discovered the vehicle was on it's roof. I asked him what had happened and he advised he did not see the footbridge until he was right up on it and he could not brake in time. Officer Cimperman then went to one knee, holding his head. It was determined at this time to contact an Emergency Medical Squad.

Officer Cimperman advised me at this time that he had shot out one of the windows because he was trapped in the car. He advised he fired one round through the window. He then gave me his duty weapon. He then began being treated by the E.M.S. workers.

One of the E.M.S. workers advised she heard the siren and the motorcycle coming towards town. Then she did not hear the siren anymore and the motorcycle came down her alley and the engine shut off. She advised one person who has a motorcycle in that area was a Louis Leatherman. A Carroll County Deputy went to that area and discovered a motorcycle behind a garage. He came back and I followed him to that location. The bike was still warm and the license plate was about 1 foot under the back fender making it hard to see.

The deputy knew Leatherman and went to his residence, eventually bringing him to the garage. He was asked if this was his bike. He advised it was. He was asked if he was running from the New Philadelphia Police Department this morning. He advised he did not, that he came back into town with a friend, Johnny Bagozzi. He advised Bagozzi left New Philadelphia first with him following later. He advised he saw Bagozzi up ahead and knew it was his motorcycle because of his taillights. After asking him a few other questions Leatherman was taken home.

After taking care of some other details involving the cruiser, myself and the Carroll County Deputy went to Bagozzi's residence. I woke him up and asked him to come to the cruiser so I could question him. He came willingly.

Bagozzi was advised of his Miranda Rights to which he signed and stated he understood. He was advised he was going to be asked questions about the pursuit. He was asked his activities of the early morning. He advised he was riding the Boulevard in Phila with some friends and stayed out till about 3:00 a.m. He then was tired and decided to go home. He advised that later on one of his friends, Louis Leatherman came up behind him on S.R. 39 and eventually rode beside him. I told him that Leatherman gave pretty much the same story except he advised he stayed behind Bagozzi and never came up beside him. I asked him if Leatherman called him and told him to tell this story. After sitting and looking straight ahead Bagozzi said that it was a lie, he never did see Leatherman on S.R. 39 and only said that because Leatherman asked him to. When asked why his friend would ask him to lie if there was nothing wrong, he said he had no idea.

It was determined to take Bagozzi to the New Philadelphia Police Department for further questioning in reference to this matter.

Captain Jeff Urban then talked with Bagozzi and eventually he told the truth about everything. A statement was taken from Bagozzi and he was taken to his residence.

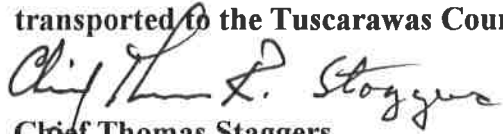
I advised Captain Urban that a round had been fired by Officer Cimperman to extricate himself from his damaged cruiser.

I also typed a memo to Chief Stagers in regards to the same matter.


Larry J. Kopp

NEWS RELEASE

After an investigation by New Philadelphia Police and the Carroll County Sheriffs office Louis E. Leatherman Jr. was arrested this morning near his home in Sherrodsville for the July 11, 1997 pursuit in which a New Philadelphia Police cruiser was seriously damaged. Mr. Leatherman was served with a grand jury indictment charging him with felony fleeing and eluding, section 2921.331B of the Ohio Revised code. Chief Thomas Staggers, investigating officer Captain Jeff Urban and the pursuing officer David Cimperman along with Deputy Graham of the Carroll County Sheriffs office made the arrest without incident in Sherrodsville as Mr. Leatherman was leaving for work this morning. He was transported to the Tuscarawas County Jail and is currently awaiting his arraignment.

A handwritten signature in cursive script, appearing to read "Chief Thomas Staggers".

Chief Thomas Staggers

New Philadelphia Police Department

Kennedy Insurance Agency
P.O. Box 836
New Philadelphia, OH 44663
Phone : 330-339-8834 Fax : 330-339-8836

City of New Philadelphia
166 East High Avenue
New Philadelphia, OH 44663

M E M O

Page 1

ACCOUNT NO. NEWPH-3	OP SE	DATE 07/15/97
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POLICY INFORMATION

POLICY # BA9159665		
TYPE CAUT	EFFECTIVE 04/01/97	EXPIRATION 04/01/98

CHIEF STAGGERS

Re: 1997 FORD CROWN VIC

Per your phone conversation with Valerie Marbais of this office this date, we are eliminating the 1997 Ford Crown Vic S# 2FALP71WXVX177948, which was damaged in last weeks accident, from coverage under the City's automobile insurance.

If this vehicle is repaired and put back on the road, please be sure and notify this office, through Joanne, that it is back on the road as their is no coverage of any kind on this vehicle at this time.

Thank you.

SUSAN L. EDWARDS

Phila officer hurt after chase

New police cruiser is totaled

BY JULIE CHARNOCK
 Tribune Staff Writer

A New Philadelphia police officer was treated in Union Hospital at Dover after the cruiser he was driving crashed during a chase and overturned at Sherrodsville early Friday.

CIMPERMAN

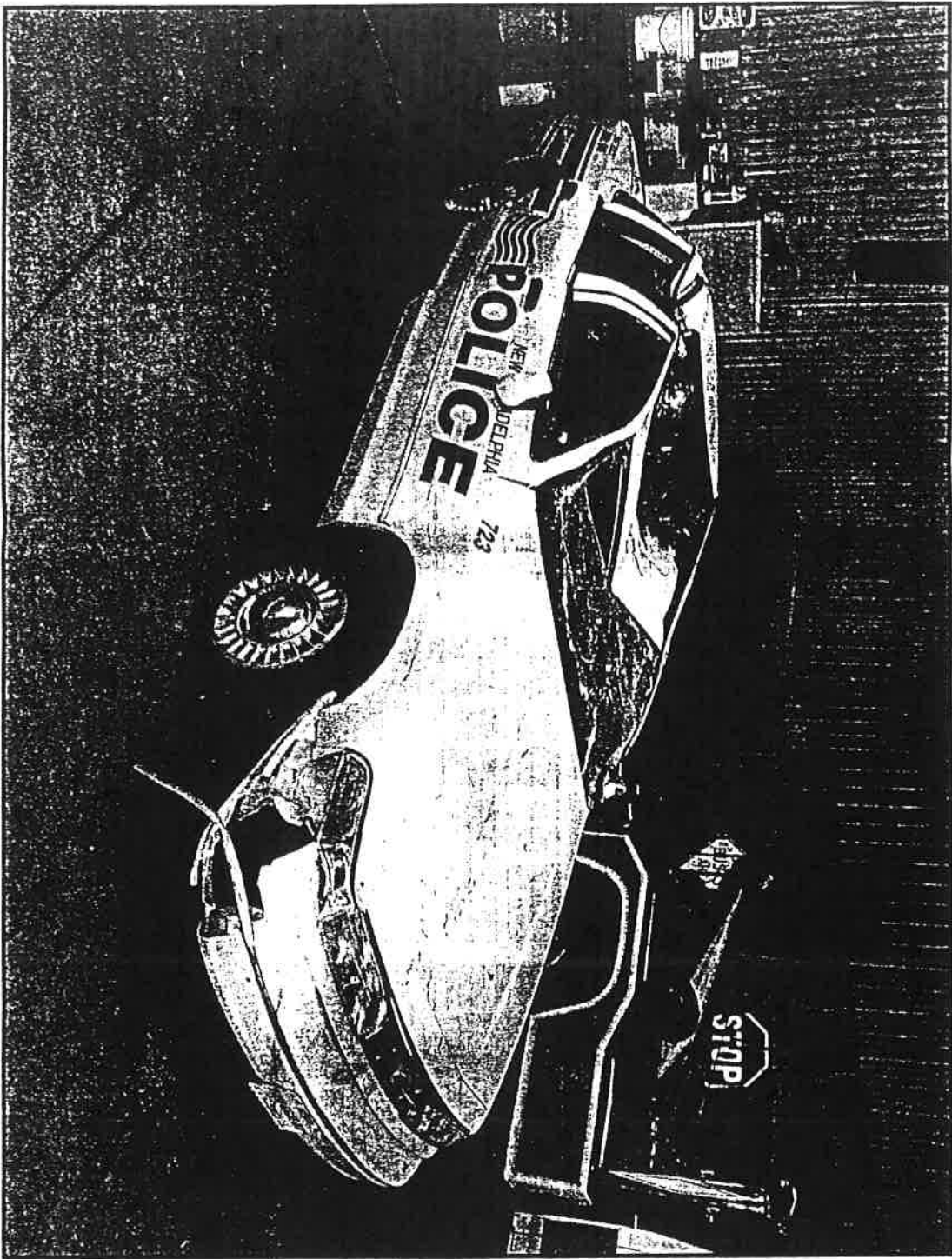


Traffic Officer David Cimperman, 32, was able to escape with few injuries after the roof of his cruiser met the dash after it crashed into a footbridge at Sherrodsville Village Park off Rt. 39 about 3:45 a.m.

Sherrodsville Fire Chief John Miley, who reported Cimperman complained of head injuries, said Cimperman was lucky.

If the cruiser, which was put into service just three weeks ago, had traveled about 10 feet farther, Cimperman would have found himself in an overturned car in a 3-foot-deep creek.

■ See CRUISER ... A-5



T. Dalton Cooklin

The New Philadelphia police car, which crashed early Friday morning during a high speed chase, has collapsed roof caused when the vehicle flipped over. The vehicle is stored at Rosenberg Towing's garage at New Phila.

MWCD court to hear amphitheater suit

Graveside services will be held Monday at 11 a.m. in Forest Hill Cemetery at Canton with Fr. William L. Arnold officiating. Arrangements by Mae Karlo & Sons Funeral Home. (330) 499-6207

Meuhlen services

Memorial services for Dale "Moose" Meuhlen will be held July 15 at 10 a.m. in Trinity Episcopal Church at 122 3rd St., New Philadelphia. Meuhlen, who was a New Philadelphia resident, died July 5 and the body was cremated.

Two face Phila charges

Two women who left young children alone at New Philadelphia's Tuscora Park Thursday have been charged with child endangering.

Stevie J. McQueen, 23, of 728 1/2 E. High Ave., New Philadelphia, was charged with two counts child endangering and Bernice R. Scott, 29, of 210 Coral Key SE, New Philadelphia was charged with one count.

Police said they got a call from a Tuscora Park officer about 4 p.m. explaining that a 10-year-old girl was left at the park all day unsupervised.

The officer said the girl was begging others for money so she could buy food, and another young girl was with her.

Winners have been announced for the 1997 YWCA of Coshocton Corporate Challenge held at Coshocton High last month.

Winning first place in the overall competition was the JII/Sales Promotion Associates Inc. team comprised of captain John Campbell, Cindy Grotti, John Swope, Mike Maria, Mike Bates, Lori Richardson, Steve McClurg, Amy Thornasley, Darlene Willis, Rick King and Amanda Hagans.

Second place went to the ARMCOCoshocton Operations team made up of captain Brenda Fillimon, Mike Holmes, Chris Knoff, Craig Shriver, Jim Sampsel, Rodney Jones, Tim Adams, Brad Birk-

Coshocton Corporate Challenge winners

One, Ohio Farmers Predictors, Cost One mile c JII. Three on t GE, JII. Water ball ARMCOC, JII. Putt putt - Products. Basketball CLOW, JII. Target toss GE. Tug-o-war Pretty Produ

Contribution challenge - JII, Bank Volleyball - ARMCOC, Clow Water Sys-tems Co., GE. American Red Cross blood drive - JII, ARMCOC, Pretty Products Inc. and General Electric.

Individual event winners were as follows:

himer and Dave Clendennen - look third Sherry Chen, Denise Guthrie, Kim Birk-

himer, Maggie Stewart, Angie Kinder, Debbie Boal and Steven Guy.

The General Electric Co. team - captain Roger Evans, Shoen Davis, Chuck Seipel, Denny Holt, Chris Chapman, Tyson Steffens, Chad Willis, Todd Buening, Sherry Chen, Denise Guthrie, Kim Birk-

Cruiser

The motorcyclist got away, and Climperman wasn't able to read his license plate number.

New Philadelphia Mayor Greg Erb said the cruiser sustained extreme damage and investigation is continuing.

Erb, who said he talked with Sherodsville Mayor Raymond Smalley Friday, said the bridge was damaged slightly but not structurally.

New Philadelphia Safety Director Gerry Mroczkowski referred questions on departmental policy regarding pursuits to Stagers, who had de-

ment is investigating the Sherodsville crash.

According to police radio traffic, Climperman was chasing the motorcycle east on Rt. 212 about 3:34 a.m. heading east toward Carroll County for violations of driving left of center, stop sign violations and fleeing and eluding.

At about 3:40, the motorcycle had turned and appeared to be heading back to Tuscarawas County, but about four minutes later Climperman had crashed against the wood walking bridge that is built over Conotton Creek.

Police said the chase ran over Johnstown Rd., Brown

From A-1

By CAROL MYERS

T-R Correspondent

landed on its side.

and rolled over twice before

curve, struck an embankment

landing on its side.

Grogg, as well as his passen-

ger, Jeremy Marsh, 19, of 419

East St., Minerva, were in-

jured and were taken to Aut-

man Hospital. Grogg was

treated Wednesday, while

Marsh was discharged Thurs-

day.

A dispatcher with the Car-

roll County Sheriff Depart-

ment said he did not know

whether additional charges

Grogg or Marsh.

Deputies said they believe a

crashed pickup.

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er. The man followed the vehi-

cle northbound on Andora

Rd., and then came upon the

crashed pickup.

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Rd., and then came upon the

crashed pickup.

clined to discuss the matter further.

Climperman has been with the police force since 1994. Before that he worked with Cuyahoga Metropolitan Housing Authority - one year as a narcotics detective and more than two years as a patrolman in areas such as Cleveland Heights, East Cleveland and Berea.

He also worked 2 1/2 years as a dispatcher and auxiliary police officer with Sheffield Village in Lorain County and an Emergency Medical Technician in the Cleveland area for three years. He also was a military police officer with the U.S. Army.

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New Philadelphia Police Department

Fax Transmission

No. of pages incl. this one:

5

To: JANET LINLEY

Fax number: 1-800-834-4579

Voices:

cc:

From: CHIEF STAGGER, N.P.P.D.

Date: 8-4-97

If you do not receive all pages, please contact:

New Philadelphia Police Department
122 2nd Street, S.E. -
New Philadelphia, Ohio. 44663
(216) 343-4488/(216) 343-4487

Subject: OFFICER CINGERMAN'S STATEMENT
CONCERNING Accident 7-11-97

Special Instructions:

RECOMMENDATION TO THE SAFETY DIRECTOR OF NEW PHILADELPHIA

Officer Cimperman should be dismissed from the New Philadelphia police force, as a result of his reckless and unwarranted high-speed motorcycle chase--initiated by a minor, left-of-center traffic violation at 3:00 a.m.--contrary to official department policy, resulting in a loss of \$28,000 to the citizens of New Philadelphia.

If this is deemed an inappropriate punishment, the minimum should be a suspension sufficiently long so that salary recovery is equal to $\frac{1}{2}$ (one-half) of the \$28,000 loss suffered by the citizens of New Philadelphia.

Upon returning to the force, if he is not dismissed, he must be severely reprimanded for his reckless action and poor judgment in violation of the New Philadelphia Police Department policy concerning pursuit; and that he be closely monitored by the Chief of Police, so his future actions conform to the policy as well as his use of reasonable judgment and action.

Clem Krieger, Charter Member of the
New Philadelphia Traffic Commission

Copy to Mayor Greg Erb

Chief: The only reasonable punishment for this stupid act should be dismissal from the force. Many people I have talked to (and there have been many) feel as I do also.



NEW PHILADELPHIA POLICE DEPT

INVESTIGATION

INITIAL INVOLVEMENT

On May 7, 2000 Capt. Sheldon DeMattio forwarded a complaint from Officer David Cimperman. The first part of the complaint alleged there was a photo of a black male, lying on a couch, without clothes and with an erection. The complaint stated Officer Cimperman's face was superimposed over the black male's face. The complaint continues stating the picture was passed around the police dept and outside the dept. with most every police employee seeing the photo. The list of names also included Fire Chief Caton. Officer Cimperman stated it had come to his attention the photo was generated by Officer Mike Henry, e-mailed to Officer Larry Hootman and brought to the police dept. by Officer Hootman for dissemination. The complaint continues as to the seriousness of this matter and insists this never happen again.

The second part of the complaint states that violations by some officers had been overlooked or minimal discipline had been imposed. Officer Cimperman states he has disciplined for things that other officers have not, claiming supervisors and OIC's look the other way. Officer Cimperman requests this activity cease.

The third part of the complaint states Officer Hootman treats Officer Cimperman poorly and makes disparaging remarks about Officer Cimperman including that Officer Hootman said he would like to gut shoot Officer Cimperman. Officer Hootman's mental fitness to serve as a police officer is then questioned in the complaint along with a claim Officer Hootman considers Officer Rocky Dusenberry as dead. The complaints end with a request for an investigation, in writing. The complaint has a header to Capt. Sheldon DeMattio and is cc'd to the chief, safety director and mayor.

INVESTIGATION

Capt. Rich Calderon sees this as three separate complaints and will address each as such. It should also be noted Officer Cimperman filed a complaint against Capt. Calderon stating Capt. Calderon was bias and should not investigate this matter. Chief Staggers overruled this complaint and instructed Capt. Calderon to continue.

In the first complaint Capt. Calderon started by speaking to the persons listed as seeing the photo. All but a few were done by phone calls. The list had 20 names on it and 11 advised they had not seen the picture. They were: Kopp, Popham, Vitt, Menapace, Goodwin, Skinner, Stewart, T. Polka, Everett, Sprout and Redman. The remainder of the list will go by name.

1. Calderon - Disp. Horner showed photo to him. This will be addressed later in report.
2. McCoy - said he saw photo at dept. No one showed photo to him.
3. C. Polka - Officer Dusenberry showed her the photo.

4. Risinger - Dusenberry showed photo to him.
5. Nelson - Dusenberry showed photo to him.
6. Dusenberry - found photo in his slot.
7. Alesiano - Dusenberry showed her the photo.
8. Horner - Dusenberry showed her the photo.
9. Chief Caton - Dusenberry showed photo to him. Statement attached.

Calderon then spoke to Officers Mike Henry, Larry Hootman and Rocky Dusenberry. All officers admitted to their part or parts. The story unfolds like this. Officer Dusenberry, working on the police dept. computer, found personal pictures of Officer Cimperman in a file. The pictures showed Officer Cimperman with females, standing on a dock etc. Officer Dusenberry attempted to download the pictures onto a disk but was not able to do so. Officer Mike Goodwin downloaded the pictures and gave the disk to Officer Dusenberry. Officer Dusenberry then gave the disk to Officer Mike Henry. Officer Henry took the disk home and at some point received an e-mail from Officer Hootman. The e-mail was of a black male with an erection. Officer Henry then placed Officer Cimperman's face over the male's face and e-mailed it back to Officer Hootman. Officer Hootman then brought the photo to the police dept. and put it in Officer Dusenberry's slot. Officer Dusenberry then showed the photo to several people listed above.

Officer Henry states he made the photo at home and had no idea the photo would be shown around. Officer Hootman admits to bringing the photo into the dept. but he also had no intention of the photo being circulated. Officer Dusenberry admits to showing the photo as it was meant to be funny and did not realize Officer Cimperman would take offense to it. Officer Dusenberry showed the picture to Officer Cimperman thinking he would find it funny. Officer Dusenberry states Officer Cimperman laughed and joked about the photo when he showed it to Officer Cimperman. Officer Cimperman then took possession of the photo.

Capt. Rich Calderon attempted two times to obtain some information from Officer Cimperman in regards to this complaint. Once over the phone and once in the Capt's office with Officer Joe Skinner as a witness. Both times Officer Cimperman's cooperation was at best - poor. His answers were evasive and vague. It should also be noted Officer Cimperman was ordered to bring in the photo and turned a copy over to Capt. Calderon. Officer Cimperman still has the original.

SUMMARY - COMPLAINT #1

This investigation resulted in Notice of Inquiry for Violation of Standard of Conduct #5, Sexual Harassment, being given to Officers Henry, Hootman and Dusenberry. Officer Cimperman was given a Notice of Inquiry for Violation of Standards of Conduct #19& 21. These are for Use and Care of Property and Equipment and Violation of Chain of Command. A copy of this report will be forwarded to the Chief of Police for further action.

I am requesting the copy of the photo be destroyed and not become a part of this report and the original be obtained from Officer Cimperman be destroyed also.

SUPPLEMENTAL REPORT

On or about April 27, 2000, Disp. Jennifer Horner showed me a picture of a nude male with an erection. Officer Cimperman's face was placed on the picture. Disp. Horner showed concern over the picture and advised me this was a picture found on the internet. I told Disp. Horner to put the picture away. At no time did Disp. Horner or myself know where this picture had come from. I was told this picture belonged to Officer Cimperman. I do not approve of or condone this type of activity.

Capt. Rich Calderon

INVESTIGATION - COMPLAINT TWO

In this complaint Officer Cimperman states he has been treated unfairly by supervisors. Officer Cimperman fails to state any proof or examples of this.

SUMMARY

No action necessary.

INVESTIGATION - THIRD COMPLAINT

Officer Larry Hootman admits there is a personality conflict between himself and Officer Cimperman. Neither officer likes the other. Officer Hootman denies ever saying anything about gut shooting anybody including Officer Cimperman. Officer Cimperman fails to supply the source of this complaint. In regards to the remark about Officer Dusenberry being dead, this complaint needs to come from Officer Dusenberry.

SUMMARY

There is no way to make everyone get along with each other. I have no solution to this problem.

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 5/18/00

To Officer Larry Hootman

From Capt Rich Calderon

Charge or Specification: Violation of Standard of Conduct 05!
Committing or Condoning Sexual Harassment.

A hearing will be set by 01 at a later date

Personally handed by Calderon

Larry Hootman

From: Mike Henry <mahenry@tusco.net>
To: Larry Hootman <hootman@wilkshire.net>
Sent: Wednesday, April 26, 2000 12:33 AM
Attach: jammin (2.gif)

VELL..... What do you think
www.mike.henry.org



To: Capt. DeMattio
From: Officer Cimperman

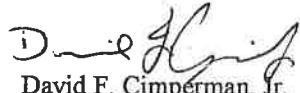
5/19/2000

Subject: Complaint

Attached, per your order is a copy of the photograph passed around relating to my Sexual Harassment complaint. As you can understand, I do not want this photo disseminated further. Additionally, there is at least one additional photo that I want accounted for. Capt. Calderon stated that he had seen a copy of this photo as much as one week prior to my becoming aware of its existence. He stated that it was shown to him by a dispatcher. He also stated that when he had seen it, there was nothing on it to indicate who had created it. I understand that just prior to my getting it, it had the attached header on it from Officer Hootman. If this is in fact correct, then I need to know what happened to the one the dispatcher had shown Capt. Calderon. I want all copies of this picture in existence, so I can insure that they are destroyed.

Thank you in advance.

Respectfully,


David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

Cc:
Mayor
Safety Director
Chief

TO: CAPTAIN RICH CALDERON
FROM: OFFICER W.K. STEWART
SUBJ: PICTURE OF OFC. CIMPERMAN
DATE: MAY 11, 2000

Rich,

Officer Skinner advised me that you wanted me to inform you as to whether or not I actually saw the picture of Officer Cimperman that is the subject of your investigation. I did NOT see the picture! Several individuals have described to me what the picture looked like, but I have yet to actually see it with my own eyes. I hope this assists you with your investigation. Let me know if you have any questions or if I can be of any assistance.


OFFICER WILLIAM K. STEWART

New Philadelphia Fire Department

108 Second St., SE

New Philadelphia, Ohio 44663

(330) 343-4432

Fax (330) 343-4393

May 12, 2000

TO: Capt Calderon, NPPD

From: Chief Caton

RE: Statement concerning "picture" seen at Police Station.

On April 28th, 2000, myself and Capt. Borga came to the Police Station for the party in honor of Sam's last day on the department.

He was not at the station at the time and I went into the desk area to say "hi" to the men there.

Rocky Deussenberry asked me if I had seen the picture someone sent him, that he found in his mailbox. I said no, and he showed me copy of a picture of a nude male with another officers picture superimposed on it.

Nothing else transpired.



C.E. Caton, Chief
New Philadelphia Fire Department

To: Capt. Calderon

Fr: Capt. DeMattio

Re: Complaint by Officer Cimperman

On 5/6/00 Officer Cimperman gave me a written complaint pertaining to a picture of him passed around the department. Officer Cimperman states that Officer Henry and Officer Hootman are responsible. Chief Staggars advised me that he wants this investigated. Officer Cimperman has a copy of the photo with Officer Henry's e-mail address and it is sent to Officer Hootman. I advised him that we would need a copy of this photo. Since both of these officers are on your shift I'm forwarded this complaint to you.


Capt. Sheldon DeMattio N.P.P.D

To: Capt. DeMattio
From: Officer Cimperman

4/28/2000

Captain DeMattio,

I wish to bring to your attention a matter of grave concern. Today Officer Dusenberry gave me a photograph that he found in his mail slot at the station. To say the least I am shocked and appalled. This Photograph shows a Black male, lying on a couch, without clothes, with an erection. My face is superimposed over the face of the black male. This picture was passed around the station, and outside the station. It is my understanding that most every Police employee has seen the picture, including, Captain Kopp and Calderon, Safety Director Popham, Officers Vitt, McCoy, Menapace, Williamson, C. Polka, Goodwin, Risinger, Nelson, Dusenberry, Skinner, Stewart, T. Polka, Dispatchers Alesiano, Everett, Sprout, as well as the Clerk, and finally the Fire Chief. And of even more concern, this picture was passed around at a time when Capt. Hitchcock was having a retirement party at the station and a number of people from outside our department were present, and thereby possibly having an opportunity to view this picture.

It has come to my attention that this picture was generated by Officer Mike Henry, and e Mailed to Officer Hootman, who in turn brought this picture into the department for dissemination. I am sure that I need not tell you how serious this matter is. I must insist that this never happen again.

I have seen all too often how violations of some officers have been overlooked, or minimal discipline has been imposed. I must tell you that I cannot allow this to continue. Not only is this a violation of our standards of conduct, this is a violation of our contract. All officers are to be treated fairly and equal. Things I have been disciplined for have been overlooked when other officers are guilty of the same violation and Supervisors and OIC's have intentionally looked the other way.

This is never more evident in the treatment I am receiving from Officer Hootman. He is consistently making disparaging remarks about me, up to and including making the statement at one time that he would like to "Gut Shoot" me. Not only is this totally out of line, but also brings into question his mental fitness to serve as a police Officer. I am not the only victim of this kind of treatment. It would seem that officer Hootman has stated to any number of other officers that he considers officer Dusenberry "Dead". This type of conduct is not acceptable from someone in our profession.

I submit this to you for investigation, and expect to hear from you relating to this matter shortly. I would request that you respond to my concerns in writing so I may preserve it for my records. Thank you for your time.

Respectfully,



David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

Cc:
Chief Staggers
Safety Director
Mayor

To Chief Staggers,
From: Officer Cimperman

5/10/2000

Subject: Investigation relating to my Sexual Harassment complaint.

Dear Chief,

Today I was contacted by Captain Calderon relating to my complaint. He stated that he is investigating this complaint. I feel that this is inappropriate as he is involved in this incident, and I feel he will show preferential treatment towards one or more persons involved in this incident, or possibly downplay his involvement in this case. Captain Calderon stated to me that he himself had seen this picture in question approximately one week prior to my becoming aware of it. At that time it would seem that he did not take action. I feel that the members involved in this incident including, but not limited to Captain Calderon, Officer Henry, and Officer Hootman have violated not only my rights, but have violated the Standards of Conduct as outlined below. It is for this reason, I must insist that this matter be investigated by someone with NO involvement in this incident.

01. Affirmatively Promoting a Positive Public Image.

Members shall conduct themselves in a way that does not damage or have probable expectations (in the mind of a reasonable and prudent member) of damaging the organization's public image, integrity or reputation or bring it into discredit or dispute.

If this incident were to become known to the general public, this will certainly result in a negative image for this department

05. Committing or Condoning Sexual, Racial, Religious, National Origin or Ethnic Harassment

Members shall not use sex, race, religion, national origin, or ethnic background in their words, actions, gestures, conduct or behavior that could reasonably be construed or perceived by another member or potential member as hostile, offensive or intimidating.

Posting derogatory graffiti, cartoons or scripts on bulletin boards, chalk boards, walls, locker room or vehicles, of failing to remove such items.

Although mailboxes are not specifically listed, it still falls into this category in the mind of a reasonable and prudent person.

Listed as an example of a violation states:

A member observing or condoning, through actions or inaction's, prohibited harassment by failing to properly report it to a designated management authorities.
This is particularly serious if a supervisor is found in violation.

12. Displaying Competent Performance and Achieving Competent Performance Results.

As stated in examples of violations:

A Supervisor violates this standard when he or she fails to correct a subordinate's infraction when it is first made known to the supervisor.

As Stated above, I feel that this Sexual Harassment towards me it intolerable. The fact that at least some supervisors had become aware of this, and did not take immediate action to stop this, and report it to you brings another serious problem to the forefront.

I do have faith in you, that you will insure that a proper, impartial, and complete investigation is completed relating to this complaint.

Thank you for your consideration.

Respectfully,



David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

Cc:
Safety Director
Mayor

6-8-00

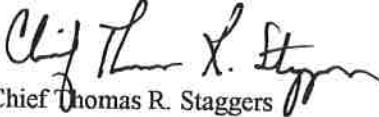
To: Officer Larry Hootman

Fr: Chief Staggars

Ref: Disciplinary Action of Record

On 6-8-00 a disciplinary conference was held concerning the reported violation of the Standards of Conduct. At this hearing, you were allowed to speak in mitigation. Based upon the investigation and your statement it is clear that the graffiti did violate standard 05. I am suspending you for a period of 1 (one) day to be served Tuesday June 13, 2000.

I am advising you that future conduct will not be condoned and could result in additional suspension including possible termination.


Chief Thomas R. Staggars

CC: Mayor
Safety Director
Personnel file

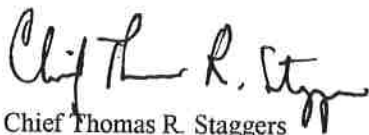
6-26-2000

To: David Cimperman

Fr: Chief Staggers

Ref: Notice of inquiry given by Capt Calderon on 5-18-00

I have reviewed this notice of inquiry given for violation of standard 21: Use and care of Property & Equipment. This was given to you because of placing personal photos on the departmental computers hard drive. This is a violation of the standard because no outside material is to be placed on the computer. This will serve notice of a verbal warning and will be reduced to written form and put in your personnel file.

A handwritten signature in black ink, appearing to read "Chief Thomas R. Staggers". The signature is stylized with a large "C" and "S".

Chief Thomas R. Staggers

June 13, 2000

To: Officer Mike Henry

Fr: Chief Staggars

Ref: Disciplinary Conference

On Tuesday June 13, a disciplinary conference was held concerning the violation of Standard 05 of the Standards of Conduct. Present were Mike Henry, Atty. Ken Welch and Chief Staggars. Officer Henry and Atty. Welch were allowed to speak in mitigation. Based upon the report submitted by Capt. Calderon and statements of Henry and Welch, I do not find a violation of Standard 05. However, I do find that officer Henry improperly took home information from a departmental computer and then subsequently altered such information (a picture of Officer Cimperman). It is of no consequence whether this was sensitive or insensitive material. Therefore Officer Henry is being suspended for one day. Said suspension shall be served on Tuesday June 13, 2000.

A handwritten signature in black ink, appearing to read "Chief T. R. Staggars", written over the printed name.

Chief Thomas R. Staggars

Cc: Mayor
Safety Director
Atty. Welch
Personnel file

6-13-00

To: Officer David Cimperman

Fr: Chief Staggars

Ref: Disciplinary Conference held 6-12-00

On 6-12-00 a disciplinary conference was held in concerning the notice of inquiry given by Capt. Calderon for violation of Standard 19 of the Standards of conduct. Based upon my findings you are to receive a verbal reprimand, which is being reduced to writing and placed in your personnel file.

The notice of inquiry for violation of standard 21 is being held until such time as I can talk with Capt. Calderon to determine the exact nature of the supposed violation.


Chief Thomas R. Staggars

6-13-00

To: Officer David Cimperman

Fr: Chief Stagers

Ref: Disciplinary Conference held 6-12-00

On 6-12-00 a disciplinary conference was held in concerning the notice of inquiry given by Capt. Calderon for violation of Standard 19 of the Standards of conduct. Based upon my findings you are to receive a verbal reprimand, which is being reduced to writing and placed in your personnel file.

The notice of inquiry for violation of standard 21 is being held until such time as I can talk with Capt. Calderon to determine the exact nature of the supposed violation.


Chief Thomas R. Stagers

6-8-00

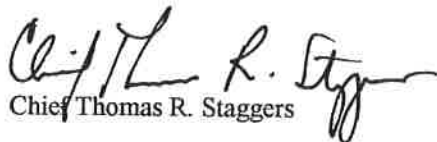
To: Officer Rocky Dusenberry

Fr: Chief Staggars

Ref: Disciplinary Action of Record

On 6-8-00 a disciplinary conference was held concerning the reported violation of the Standards of Conduct. At this hearing, you were allowed to speak in mitigation. Based upon the investigation and your statement it is clear that the graffiti did violate standard 05. I am suspending you for a period of 1 (one) day to be served Monday, June 12, 2000

I am advising you that future conduct will not be condoned and could result in additional suspension including possible termination.


Chief Thomas R. Staggars

CC: Mayor
Safety Director
Personnel file

David F. Cimperman, Jr.
124-12th St NE
New Philadelphia, Ohio. 44663
330-343-1370

May 18, 2000

City of New Philadelphia Police Department
Capt. R. Calderon
122-2nd St SE
New Philadelphia, Ohio. 44663

FOIA REQUEST

Dear FOI Officer:

Pursuant to the federal Freedom of Information Act, 5 U.S.C. s. 552, I request access to and copies of any and all notes, reports, audio and or video recordings, phone logs, including recordings of phone conversations, and any memo's or other documentation relating to the sexual harassment complaint filed by David Cimperman with the City of New Philadelphia Police Department.

I agree to pay reasonable duplication fees for the processing of this request in an amount not to exceed \$20.00.

However, please notify me prior to your incurring any expenses in excess of that amount.

If my request is denied in whole or part, I ask that you justify all deletions by reference to specific exemptions of the act. I will also expect you to release all segregable portions of otherwise exempt material. I, of course, reserve the right to appeal your decision to withhold any information or to deny a waiver of fees.

Please provide expedited review because delay in disclosure could cause a loss of substantial due process rights.

I certify that my statements concerning the need for expedited review are true and correct to the best of my knowledge and belief.

I look forward to your reply within 20 business days, as the statute requires.

Thank you for your assistance.

Very truly yours,



David F. Cimperman, Jr.

Cc:
Safety Director
Mayor
Chief Stagers

May 23, 2000

To: David F. Cimperman, Traffic Officer

Fr: Chief Stagers

Ref: FOI request dated 5/18/00

Your request for information is being denied at this time. You have made an allegation against other in this department and the complaint has been assigned for investigation. No work product will be released until the investigation and resultant possible disciplinary action is completed. I am well aware of the FOI act but it does not apply to an ongoing investigation. Once, everything is completed then you will be entitled to access such information.

A handwritten signature in black ink, appearing to read "Chief Thomas R. Stagers". The signature is fluid and cursive, with the first name "Chief" written in a larger, more prominent script.

Chief Thomas R. Stagers

To: Capt. DeMattio
From: Officer Cimperman

4/28/2000

Captain DeMattio,

I wish to bring to your attention a matter of grave concern. Today Officer Dusenberry gave me a photograph that he found in his mail slot at the station. To say the least I am shocked and appalled. This Photograph shows a Black male, lying on a couch, without clothes, with an erection. My face is superimposed over the face of the black male. This picture was passed around the station, and outside the station. It is my understanding that most every Police employee has seen the picture, including, Captain Kopp and Calderon, Safety Director Popham, Officers Vitt, McCoy, Menapace, Williamson, C. Polka, Goodwin, Risinger, Nelson, Dusenberry, Skinner, Stewart, T. Polka, Dispatchers Alesiano, Everett, Sprout, as well as the Clerk, and finally the Fire Chief. And of even more concern, this picture was passed around at a time when Capt. Hitchcock was having a retirement party at the station and a number of people from outside our department were present, and thereby possibly having an opportunity to view this picture.

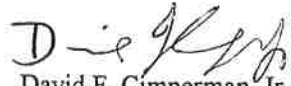
It has come to my attention that this picture was generated by Officer Mike Henry, and e Mailed to Officer Hootman, who in turn brought this picture into the department for dissemination. I am sure that I need not tell you how serious this matter is. I must insist that this never happen again.

I have seen all too often how violations of some officers have been overlooked, or minimal discipline has been imposed. I must tell you that I cannot allow this to continue. Not only is this a violation of our standards of conduct, this is a violation of our contract. All officers are to be treated fairly and equal. Things I have been disciplined for have been overlooked when other officers are guilty of the same violation and Supervisors and OIC's have intentionally looked the other way.

This is never more evident in the treatment I am receiving from Officer Hootman. He is consistently making disparaging remarks about me, up to and including making the statement at one time that he would like to "Gut Shoot" me. Not only is this totally out of line, but also brings into question his mental fitness to serve as a police Officer. I am not the only victim of this kind of treatment. It would seem that officer Hootman has stated to any number of other officers that he considers officer Dusenberry "Dead". This type of conduct is not acceptable from someone in our profession.

I submit this to you for investigation, and expect to hear from you relating to this matter shortly. I would request that you respond to my concerns in writing so I may preserve it for my records. Thank you for your time.

Respectfully,


David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

Cc:
Chief Stagers
Safety Director
Mayor

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 5/18/00

To Officer David Cimperman

From Capt Rich Calderon

Charge or Specification: Violation of Standard of Conduct 19:
Courteous and Respectful Behavior Toward Superior
Ranked Personnel. ie Chain of Command

A hearing will be set by 01 at a later date.

Personally handed by DeMatteo

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 5/18/00

To: Officer David Cimperman

From: Capt Rich Calderon

Charge or Specification: Violation of Standard of Conduct 21 :
Use and Care of Property and Equipment.

A hearing will be set by OI at a later date.

Personally handed by DeMatteo

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 5/18/00

To Officer Rocky Dusenberry

From Capt. Rick Calderon

Charge or Specification: Violation of Standard of Conduct 05
Committing or Condoning Sexual Harassment.

A hearing will be set by 01 at a later date.

Personally handed by Calderon

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 6-8-00

To Officer David Cimperman

From Chief Staggars

Charge or Specification: Reference to notice of inquiry issued by Capt. Calderon on 5/18/00.

This investigation ordered by me has been completed and I am scheduling a conference concerning this matter on Monday June 12, at 2pm in my office.

Thomas R. Staggars

Notice of Inquiry

In accordance with Article 17 of the current labor contract this notice of inquiry is being issued.

Date 6-5-00

To: Officer Mike Henry

From: Chief Staggars

Charge or Specification: Reference to notice of inquiry issued by Capt. Calderon on 5/18/00.

This investigation ordered by me has been completed and I am scheduling a conference on Thursday, June 8, 2000 at 2:00p this will be held in the office of the Chief.

Chief Thomas R. Staggars

Dear Chief,

5/10/2000

Today while in the department checking my mail, I observed an item posted on the bulletin board indicating a number of items for reference on the captain's test. What I did not see was an official posting for the Captains test. If it was inadvertently taken down, I request a copy of this posting. Without this, I have no way of knowing important information relating to the test such as how many questions, attire (Uniform or Business), where the test will be given, seniority points to be granted, prerequisites for taking the test (years with the department, education etc.). Additionally, I have heard many talk of a Review board as part of the promotion process. Will this be a blind board (i.e. the reviewers not knowing the persons involved to remove any possible bias), or will this be made up from personnel inside the department? Thank you in advance for your assistance, and I look forward to hearing from you soon to afford me an opportunity to prepare for this testing myself.

Respectfully,


David F. Cimperman, Jr.
Traffic Officer
New Philadelphia Police

Cc:
Safety Director
Mayor